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House of Representatives

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore [Mr. MILLER of Florida].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 18, 1995.

I hereby designate the Honorable DAN MILLER to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING BUSINESS

The SPEAKER pro tempore. Pursuant to the order of the House of May 12, 1995, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leader limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Florida [Mr. GOSS] for 5 minutes.

MEDICARE REFORM

Mr. GOSS. Mr. Speaker, the rhetoric has gotten pretty thick and possibly even a little sick around here recently, even by Washington standards. That is why I thought it would be helpful to take a look at the bigger picture. Specifically, I would like to take a moment this morning to investigate the long-term ramifications if we heed the advice of House Democrats and ignore the pending bankruptcy of the Medicare reform situation.

This chart, compiled by the bipartisan Kerrey Commission on entitlements, which I served on last year, states in no uncertain terms the dire consequences of inaction, of doing nothing. As you can see, in this area here, under current trends, by the year 2012, this year right here, which is only 17 years away, outlays for entitlement spending and interest on the national debt will consume all tax revenues. That is the green line. When this line is exceeded by any one of these columns, we are spending more than we are taking in. And in this case, entitlement spending and interest alone on the national debt will consume all the revenues we have collected by the Federal Government. There will be nothing left for anything else, law enforcement, military, or anything like that.

By the year 2030, entitlement spending alone will consume all tax revenues collected by the Federal Government. This is a major crisis, albeit it is a little hard to grasp and it threatens every Federal program, including the entitlement programs themselves, whether they are Medicare, Medicaid, veterans, even Social Security. You name it. We have to do something.

Mr. Speaker, what is driving this explosion in entitlement spending which we are seeing in this chart? There, in fact, are many factors, but primarily it is the out-of-control and gigantic increases in Medicare spending. We all know that the Medicare trustees' report states that the Medicare part A trust fund will be bankrupt in 7 years, in the year 2002. Ninety percent of Americans understand that according to the polls.

Mr. Speaker, essentially we have two options. We can reduce costs and reform the system now, which is what the Republicans are trying to do, or we can wait and raise taxes again later, which seems to be the plan of the Democrats.

A study conducted by John Berthoud of the Alexis de Toqueville Institute underscores the dire ramifications of raising taxes rather than addressing the inefficiencies in the current system right now today.

His study backs up the Medicare trustees' own numbers showing the potential disaster for future beneficiaries and taxpayers. If we do not act until 2002, as the other side seems to advocate, the payroll tax would have to more than double, rising from the current 2.9 percent level to 6.81 percent just to bring the fund into long-term balance. A tax hike that steep would mean over $1 trillion in taxes over the next 7 years alone on American taxpayers.

Mr. Speaker, to bring that astounding number into human terms, a worker earning $45,000 would have to pay an extra $1,500 in nonrefundable payroll taxes annually. That would be $4 a day more every day, Saturday and Sunday and holidays included, $4 more in taxes every day just to cover the trust fund of Medicare if we do not act now. And that is just part A.

Assuming middle-of-the-road projections, the part B taxpayer subsidy will grow to $147 billion by 2004 if allowed to remain in auto pilot, which is where it is now. That is four times what it is today.

Mr. Speaker, where are we going to get that kind of money, $147 billion? You guessed it, from the taxpayers. The leadership on the other side of the aisle last week in the Washington Post accused Republicans of playing a shell game and disguising the real costs of Medicare reform. What they really should acknowledge is the tremendous cost of maintaining the status quo and the increasing cost of the future status quo they advocate.

Mr. Speaker, my constituents gave me a clear message over the August break: Go back to Washington and do what it takes to fix the problem. They have seen payroll taxes increase before, in fact, 23 of them in the past 27 years. Twenty-three payroll taxes and they know that isn't the answer.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

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By expanding choice and utilizing reforms that have worked in the private sector, we cannot only save the Medicare program and strengthen it for our current and future beneficiaries, but we can also provide a brighter future for our children and grandchildren. We do have a program that will work and that is what we are going to do, hopefully with the bipartisan support and hopefully with constructive cooperation from the White House. Meanwhile, all the scare ads on TV, the class warfare stirred up by the liberals, and the generational debate hyped by the cynics does not solve the problem and does not make America a better place to live.

Mr. Speaker, the Republicans are trying to offer a positive solution to a real problem. Even if we do not get all the details exactly right the first time, we will get the details right and we will have made an important change for every American's quality of life and pocketbook.

SAVING THE NATIONAL PARKS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from New Mexico [Mr. RICHARDSON] is recognized during morning business for 5 minutes.

Mr. RICHARDSON. Mr. Speaker, I rise today to express my disappointment at heavy-handed actions by the leadership of the Committee on Resources by placing H.R. 260 on the Suspension Calendar today, and I hope that everybody out there that is aware of this terrible transgression realizes what H.R. 260 would do. It would simply be a vehicle to close down national parks.

Mr. Speaker, this bill would create a park closure commission to recommend specific parks to Congress foreclosure, privatization, or sale to the highest bidder. But what is most heavy handed is the fact that this bill is on the Suspension Calendar despite the fact that many of us in the Committee on Resources were able to offer amendments to change this bill. This way we have on the Suspension Calendar no opportunity to offer amendments that are alternatives.

Mr. Speaker, I had asked for one amendment that would allow a new form of financing the parks, through fees, through concessions, and through other alternatives that recognize that we do have to improve the management of the parks. But there are some very heavy-handed tactics of preventing honest debate on this issue.

Mr. Speaker, the Clinton administration opposes this bill. The environmental community opposes this bill. The National Parks and Conservation Association opposes this bill, and I would simply ask my colleagues to vote no on this bill so that it can go back to a rule and allow logical and fair amendments. In fact, just one amendment.

So by voting no, you are not killing the bill; you are killing a process that is wrong and heavy handed. What we have here is a park closure commission that would close national parks.

Now, the bill does exempt 54 national park units from closure, but it leaves less visited, smaller budgeted parks, and important national monuments like Independence Hall, the Statue of Liberty, Mount Rushmore, the Washington, Lincoln, and Jefferson Monuments, and the Martin Luther King historical site on the chopping block.

The Chair of the Subcommittee on National Parks, the gentleman from Utah [Mr. HANSEN], has said that he wants to close 150 parks. This is an agenda that I believe is wrong. Let us improve the management of these parks. Let us find ways to raise money to keep the parks as important components of this country.

Mr. Speaker, the national parks are not the playgrounds of the rich. They are the vacation destinations of millions of ordinary hard working Americans who want to see and enjoy the natural wonders they support with their tax dollars. They deserve to continue to have that opportunity.

Mr. Speaker, the national parks today are more popular than ever. This year 270 million visitors will visit our national parks, an increase of 5 million over last year. By the year 2000, 360 million visitors will visit the parks every year. That is if we still have some of them to visit in the year 2000. Recent nationwide polls show that this boom in parks visitation is matched by concern for the future of the parks.

A recent poll by Colorado State University found that 98 percent of those surveyed believed protection of the parks for future generations was important, editorial boards around the country, Salt Lake City Tribune, St. Louis Dispatch, the New York Times.

Mr. Speaker, H.R. 260 strikes at the very heart of our national heritage, the 369 natural and cultural treasures which make up the National Park System, and by authorizing, which is what we would do by passing this bill, the creation of a park closure commission, like a military base closure commission, without any alternatives, H.R. 260 takes the decisions out of the hands of the Congress and turns it over to politics, to political appointees. Surely business as usual is not the message the voters sent the Congress in the 1994 elections.

Mr. Speaker, let me explain what my alternative does, and all I want is the ability to offer this alternative under a closed rule, under a modified rule. One amendment, that instead of creating a park closure commission, that we find other ways to raise funds for parks through increased, perhaps fees, through a trust fund, through the changes in concessions so the McDonald's and other concessionaires, the Marriotts, pay a fairer share of what it costs to maintain the parks.

This is something that is on a bipartisan basis. Mrs. MEYERS of Kansas has a very constructive proposal to change the concession system of the parks.

So I am not here asking for a rejection of this bill. I am saying, let us respect the process. By voting no on H.R. 260, which we should do, 143 votes are needed so that the two-thirds is not achieved, we would send the bill back to the Committee on Rules.

Mr. Speaker, watch this bill. H.R. 260, vote ''no,'' send it back to the Committee on Rules. Let it come back under a fair rule.

I insert the following information for the RECORD:

[From the Salt Lake Tribune, May 6, 1995]

DON'T CLOSE THE PARKS

Generally, people want to enter a national park; they want to leave a military base. Indeed, there is little that the two have in common, other than that they are both federally owned. Yet there is inexplicable sentiment in Congress for providing a common element to both-a closure commission.

A bill known as H.R. 260, which has already passed Utah Rep. Jim Hansen's subcommittee and is due up before the full House Resources Committee this month, proposes the formation of a Park System Review Commission. It would do for national park units what the Base Realignment and Closure Commission has done for military bases: It would close them.

Closure is appropriate for some unneeded military bases, but not so for national park units, which presumably have an unchanging value. After all, national parks were created for purposes of preservation and posterity, not for the ever-shifting requirements of national defense. Existing park units simply should not be exposed to the whims of an independent commission.

The issue has surfaced because the National Park Service has been having problems adequately funding all 368 units in its system. One complaint is that the system is overloaded with units that don't belong, units that were designated at the behest of some congressman trying to bring home the pork for his district.

The problem can be addressed without the creation of a park closure commission. For starters, Congress can support the portion of H.R. 260 that calls for the Interior secretary to devise tighter criteria for additions to the NPS, thereby safeguarding the system from selfish lawmakers.

Then, if Congress still feels that undeserving units have crept into the system, it can simply deauthorize them itself, as it did last year with the John F. Kennedy Center for the Performing Arts. It does not need some new level of bureaucracy to do this.

The rationale behind a park closure commission is that it would save money for the NPS. Well, as the BRAC members can testify, it would cost a lot of up front money to close these units. And once closed, who would operate them—the states, or some other division of the federal government? How do the taxpayers save on that?

If the goal is to improve NPS finances, then start with passage of park concessions reform or entrance fee reform. Start funneling such fees back into the parks, instead of the national treasury. It makes little sense to set up a mechanism to close parks when proposed methods of increase park revenues have not been implemented first.

National parks are not at all like military bases. They were created to establish a natural or historical legacy for future generations. They don't need a closure commission; they need more creative ways to stay open.

H.R. 260 would:

Create a park closure commission to recommend specific parks to Congress for closure, privatization or sale to the highest bidder;

Weaken Congress' statutory authority to make decisions on park management by granting broad powers to a politically appointed commission;

Send a strong signal to the American people that Congress does not have the political will to carry out its responsibilities of oversight over the National Park Service.

Exempt the 54 National Park units from closure, leaving less visited, smaller budgeted parks and important national monuments like Independence Hall, the Statue of Liberty, Mt. Rushmore, the Washington, Lincoln and Jefferson Monuments and the Martin Luther King. Jr. Historic Site on the chopping block.

RECESS

The SPEAKER pro tempore. There being no further requests for morning business, pursuant to clause 12, rule I, the House will stand in recess until 12 noon.

Accordingly, at 10 o'clock and 42 minutes a.m., the House stood in recess until 12 noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. CLINGER] at 12 noon.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

When the light of day illumines our days, O God, we are grateful beyond any measure for we are warmed by that light and it helps us see the way. And when that light seems dim we can falter and fail, or when we turn our heads from that light and go our own way, we can so easily miss the mark. O gracious God, giver of all good things, may we eagerly seek the light of Your presence and walk in Your way so faith will be our strength, hope will be our daily support, and love our ever present reality. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The gentleman from New York [Mr. SOLOMON] will come forward and lead the membership in the Pledge of Allegiance.

Mr. SOLOMON led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Edwin Thomas, one of his secretaries.

ANNOUNCEMENT OF PREFILING REQUIREMENT FOR AMENDMENTS TO H.R. 927, CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY ACT OF 1995

Mr. SOLOMON. Mr. Speaker, the Rules Committee hearing scheduled on H.R. 927, the Cuban Liberty and Democratic Solidarity Act has been postponed until 2 p.m. tomorrow.

Due to time constraints this week, the Rules Committee may report a structured rulemaking in order only amendments prefiled with our committee. Members who wish to offer amendments to the bill should submit 55 copies of their amendments, together with a brief explanation, to the Rules Committee office at H–312 of the Capitol, no later than 1 p.m. tomorrow, Tuesday, September 19.

Amendments should be drafted to the amendment in the nature of a substitute that will be made in order as base text that is available at the Office of Legislative Counsel. Members should therefore have their amendments drafted by the Legislative Counsel's office to ensure that they are properly drafted.

If Members or their staff have any questions regarding this procedure, they should contact Eric Pelletier in the Rules Committee Office at extension 5–9191.

We appreciate the cooperation of all Members in submitting their amendments by 1 p.m. tomorrow to ensure their proper consideration by the committee.

104TH CONGRESS OUT OF TOUCH WITH THE AMERICAN PEOPLE

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, today we are going to take up H.R. 260, a bill that will close many of our national parks.

Millions of Americans spent their summer vacations visiting Mount Rushmore, Bandolier, Independence Hall and the Statue of Liberty. In fact, 270 million visitors came to our parks this year.

As is often the case, the 104th Congress is out of touch with the American people. On the suspension calendar today will be H.R. 260. The vote will take place tomorrow. There is no reason for this bill to be on suspension.

All we had asked for, those of us who are concerned with this bill, is an amendment that would have permitted an alternative. An alternative through concessions, through increased fees, through a trust fund, we can finance these parks.

Mr. Speaker, let us make sure we have a process here. Let us have H.R. 260 sent back to the Committee on Rules.

The environmental community is against this. The Clinton administration is against this bill.

Let us have proper debate on it. Let us not get rushed on our national parks. We do not need a park closure commission. We need better management and new ways to finance our national parks.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken on Tuesday, September 19, 1995.

EXTENSION OF DISTRICT COURT DEMONSTRATION PROJECTS

Mr. MOORHEAD. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 464) to make the reporting deadlines for studies conducted in Federal court demonstration districts consistent with the deadlines for pilot districts, and for other purposes.

The Clerk read as follows:

S. 464

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF CIVIL JUSTICE EXPENSE AND DELAY REDUCTION DEMONSTRATION PROGRAMS.

Section 104 of the Civil Reform Act of 1990 (28 U.S.C. 471 note) is amended—

(1) in subsection (a)(1) by striking ''4-year period'' and inserting ''5-year period''; and

(2) in subsection (d) by striking ''December 31, 1995,'' and inserting ''December 31, 1996,''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. MOORHEAD] will be recognized for 20 minutes, and the gentleman from Virginia [Mr. SCOTT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. MOORHEAD].

Mr. MOORHEAD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 464 which is a technical corrections bill that was introduced by Senator HATCH and passed the Senate on March 30,

1995, under a unanimous-consent request.

The Civil Justice Reform Act of 1990 set up two programs to study various innovative programs in court management. One program involves so-called pilot courts, and the other involves what are referred to as demonstration districts. Those court programs were originally established for a 3-year period, with the studies conducted over a 4-year period and the resulting reports transmitted to Congress by December 31, 1995. The Rand Corp. has been carrying out the study of the pilot courts, while the Federal Judicial Center is conducting the study of the demonstration districts.

Last year, the pilot court programs were extended for an additional year, and the Rand Corp. received a 1-year extension for its study of those courts. That extension was included in the Judicial Amendments Act of 1994. Through an oversight, however, no extension was included for the demonstration districts.

S. 464 would grant the same 1-year extension for the demonstration districts as was granted for the pilot courts. This will make the two programs and their studies consistent so that the final reports can be directly compared. That was the intent behind the deadlines that were established when the two study programs were set up. This legislation will restore that end. Also, the extension of the deadline will improve the study, since more cases will be complete and included in the study.

Finally, this 1-year extension will entail no additional cost since the demonstration districts are planning to continue the programs under study in any event. S. 464 represents a sound judicial housekeeping proposal and I urge my colleagues' support for it.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I join the gentleman from California in supporting this bill, because it will help our Federal courts achieve greater efficiency and effectiveness.

The demonstration program that is the subject of this bill, involves five Federal district courts, that have been experimenting with various case management systems, and forms of alternative dispute resolution, since the program was established 4 years ago. At the same time, there is a parallel pilot court program, which is testing certain principles of litigation management and cost-and-delay reduction. These programs are testing a number of systems, in a manner that will permit the Federal judiciary to compare their relative effectiveness.

As the gentleman from California has explained, we extended the pilot program last year for 1 additional year, with a 1-year extension for the study that will evaluate that program. We inadvertently failed, however, to grant a similar extension to the demonstration program. This bill will restore the demonstration program to the same time line that applies to the pilot program, making the two programs more directly comparable, and improving the studies of both programs, by ensuring that an additional year of court experience, is included in those studies. Thus, passage of S. 464 will enable our Federal courts to get the full benefit of these studies.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MOORHEAD. Mr. Speaker, I have no further requests for time, and I yield the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. MOORHEAD] that the House suspend the rules and pass the Senate bill, S. 464.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

The motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MOORHEAD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on S. 464, the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

CLARIFYING RULES GOVERNING VENUE

Mr. MOORHEAD. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 532) to clarify the rules governing venue, and for other purposes.

The Clerk read as follows:

S. 532

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. VENUE.

Paragraph (3) of section 1391(a) of title 28, United States Code, is amended by striking ''the defendants are'' and inserting ''any defendant is''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. MOORHEAD] will be recognized for 20 minutes, and the gentleman from Virginia [Mr. SCOTT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. MOORHEAD].

Mr. MOORHEAD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 532 which is a technical corrections bill that was introduced by Senator HATCH and passed the Senate on March 30, 1995, under a unanimous-consent request. It is based on a proposal by the Judicial Conference of the United States to correct a flaw in a venue provision, section 1391(a) of title 28 which governs venue in diversity cases. Section 1391(a) has a fallback provision—subsection (3)—that comes into play if neither of the other subsections confers venue in a particular case. Specifically, subsection (3) provides that venue lies in ''a judicial district in which the defendants are subject to personal jurisdiction at the time the action is commenced, if there is no district in which the action may otherwise be brought.''

The defect in this fallback provision is that it may be read to mean that all defendants must be subject to personal jurisdiction in a district in order for venue to lie. Under this reading, there would be cases in which there would be no proper venue. S. 532 would eliminate this ambiguity and I urge its passage.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from California has explained the purpose of this bill, a technical amendment to ensure that in multidefendant cases, there is at least one Federal district where venue is proper.

The problem with the venue statute as it is currently written is that it is possible to read the language in such a way that there could be no Federal district court where venue is proper in some multidefendant cases. This bill resolves the ambiguity in that language, and ensures that venue requirements will not defeat the ability to bring a civil action in Federal court if subject matter and personal jurisdiction are available.

The Judiciary Committee heard testimony on behalf of the Judicial Conference of the United States supporting this bill. Having identified the ambiguity in the current venue provisions, it is important that we amend the language to ensure that there is at least one Federal district court where venue is proper in multidefendant cases. S. 532 achieves that end, and I urge its passage.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MOORHEAD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. MOORHEAD] that the House suspend the rules and pass the Senate bill S. 532.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MOORHEAD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on S. 532, the Senate bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

MEDISCAM, NOT MEDISCARE

(Mr. WYNN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYNN. Mr. Speaker, in this town it seems it is always good to have a catch phrase. The latest catch phrase is ''Mediscare,'' Mediscare, as though the cuts in Medicare were not really serious or not really painful. I think they are.

First, if you consider a premium increase of $32 a month on a senior, I think that is pretty serious and pretty scary. If you consider that seniors will be forced to choose a doctor they can afford as opposed to the doctor they trust, I think that is pretty scary, when a senior is contemplating major surgery.

Third, if you contemplate the likely possibility that some hospitals will have to shut down, reduce services, or pass costs on to private patients, insured with private insurance, I think that is pretty scary.

When you hear the term ''Mediscare,'' it should not be taken lightly. People say we have to do this to save the system. The trustees and the President suggest what we need is a modification, maybe $90 to $120 billion. But the Republicans are proposing $270 billion. Why? So they can give a tax break to their rich friends.

If you make $300,000, under this plan you are going to get back $20,000 in tax breaks. This $270 billion is not going back to save the trust fund. Not a penny will go back to the trust fund.

They mumble about the general fund. Translation: it is siphoned off for a tax break for the wealthy.

No, ladies and gentleman, the term should not be ''Mediscare.'' It should be, ''Mediscam,'' because that is what the American people are being subjected to in the latest Republican proposal on Medicare.

ENCOURAGING THE PEACE PROCESS IN SRI LANKA

Mr. BEREUTER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 181) encouraging the peace process in Sri Lanka.

The Clerk read as follows:

H. RES. 181

Whereas, the United States has enjoyed a long and cordial friendship with Sri Lanka;

Whereas as one manifestation of the warm ties between the United States and Sri Lanka, the First Lady of the United States visited Sri Lanka in April 1995;

Whereas Sri Lanka is a vibrant democracy whose government is committed to political pluralism, free market economics, and a respect for human rights;

Whereas the Liberation Tigers of Tamil Eelam (''LTTE'') have waged a protracted secessionist struggle in Sri Lanka for nearly 12 years;

Whereas an estimated 30,000 people have died in Sri Lanka as a result of these hostilities;

Whereas the Department of State's report on global terrorism names the LTTE as a major terrorist organization;

Whereas the LTTE is widely believed to have engaged in political assassinations, including the murder in 1994 of a leading candidate for the Sri Lankan presidency, and the killing in 1993 of President Ranasinghe Premadasa;

Whereas the government of President Kumaratunga initiated a dialogue with the LTTE in 1994, and took a number of other steps to ease tensions and set the stage for negotiations between the government and the LTTE, including lifting the ban on the transit of many commodities to Jaffna;

Whereas a cessation of hostilities in Sri Lanka went into effect on January 8, 1995;

Whereas 4 rounds of peace talks between the government and the LTTE took place; and

Whereas in April 1995, the LTTE withdrew from these negotiations and resumed military operations against the Government of Sri Lanka that have resulted in hundreds of casualties, including many innocent civilians: Now, therefore, be it

Resolved, That the House of Representatives—

(1) notes with great satisfaction the warm and friendly relations that exist between the United States and Sri Lanka;

(2) applauds the commitment to democracy demonstrated by the Sri Lankan people, in defiance of brutal acts of wanton terrorism;

(3) commends the Sri Lankan people and the Government of Sri Lanka for the significant improvements in Sri Lanka in the area of human rights;

(4) applauds the cessation of hostilities in early 1995 between the Government of Sri Lanka and the Liberation Tigers of Tamil Eelam (''LTTE'') and deplores the resumption of fighting;

(5) calls on the LTTE to desist in its resort to arms, and to return to the negotiating table;

(6) calls on all parties to negotiate in good faith with a view to ending the current armed strife in Sri Lanka and to finding a just and lasting political settlement to Sri Lanka's ethnic conflict while assuring the territorial integrity of Sri Lanka;

(7) believes that a political solution, including appropriate constitutional structures and adequate protection of minority rights, is the path to a comprehensive and lasting peace in Sri Lanka;

(8) denounces all political violence and acts of terrorism in Sri Lanka, and calls upon those who espouse such methods to reject these methods and to embrace dialogue, democratic norms, and the peaceful resolution of disputes;

(9) calls on all parties to respect the human rights of the Sri Lankan people; and

(10) states its willingness in principle to see the United States lend its good offices to help resolve the ethnic conflict in Sri Lanka, if so desired by all parties to the conflict.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska [Mr. BEREUTER] will be recognized for 20 minutes, and the gentleman from Maryland [Mr. WYNN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

(Mr. BEREUTER asked and was given permission to revise and extend his remarks.)

Mr. BEREUTER. Mr. Speaker, located at the southern tip of the South Asia subcontinent, the tiny Indian Ocean island nation of Sri Lanka has, for the last decade and a half, been the site of one of the bloodiest ethnic wars. The conflict has pitted the separatist Liberation Tigers of Tamil Eelam—or Tamil Tigers—against the democratically elected government in Colombo, with at least 30,000—and possibly as many as 50,000—Sri Lankans of all ethnic persuasions perishing in this bloody conflict.

With both sides weary of the unrelenting bloodshed, a cessation of hostilities went into effect at the beginning of 1995, and the government and the Tamil rebels entered into a series of peace talks. Regrettably, this peace that was short lived, and the Tamil Tigers unilaterally resumed their attacks on April 19. The recent attacks have been particularly brutal, with a pair of transport aircraft being shot down, and a fishing village burned to the ground with massive loss of life.

In retaliation, the government has launched its inevitable offensive against Tiger-held territory, with government forces cutting a broad swath through positions long controlled by the rebels, thereby causing hundreds of casualties and displacing thousands of noncombatants.

This pattern of rebel offensives and government counteroffensives is all to familiar. Over the past dozen years, this cycle has been repeated time and time again. House Resolution 181 calls on the parties to break out of this vicious cycle of death and destruction. The resolution recognizes the good faith efforts of the Sri Lankan Government to work for peace, and commends the dramatic improvement in the government's human rights practices. It also denounces all acts of violence and terrorism, regardless of the perpetrator.

House Resolution 181 calls on the parties to negotiate in good faith with a view to ending the conflict and finding a just and lasting peaceful settlement to the ethnic divisions while assuring the territorial integrity of Sri Lanka.

The resolution also encourages the United States to lend its good offices to help in resolving the conflict, if so desired by the combating parties.

Mr. Speaker, this resolution passed unanimously out of the International Relations Committee. I would congratulate the ranking Democrat of the full committee, Mr. HAMILTON, for his initiative in drafting this resolution. First, it recognizes the very real efforts made by the ruling government to respect basic human rights and achieve a just peace. As House Resolution 181 notes, the resolution recognizes that improvements have indeed occurred.

Second, the resolution places the House squarely on the side of peace in a conflict that has been every bit as brutal as the war in Bosnia.

Mr. Speaker, this Member is pleased to cosponsor the excellent resolution of

the distinguished gentleman from Indiana [Mr. HAMILTON] and would urge its passage. This Member would also note the thoughtful and important contribution made by the distinguished chairman of the International Relations Committee, the gentleman from New York [Mr. GILMAN].

Mr. Speaker, I reserve the balance of my time.

□ 1320

(Mr. WYNN asked and was given permission to revise and extend his remarks.)

Mr. WYNN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to urge support for this resolution.

Sri Lanka has been wracked by a bloody civil war that has claimed the lives of at least 30,000, and perhaps as many as 50,000 people.

Sri Lanka is a country of only 18 million people. If the United States lost a comparable number of people, 730,000 Americans would have been killed.

Last winter the democratically elected President of Sri Lanka, President Kumaratunga opened a dialog with the insurgent Liberation Tigers of Tamil Eelam, known as the LTTE.

Unfortunately, after four rounds of talks, the LTTE withdrew from the negotiations this past April and resumed military operations against the government—without provocation and in violation of the cease-fire.

Since the breakdown of the talks in April, the fighting has been heavy, producing many casualties, not only among the combatants but also among the civilian population.

Last month, the Sri Lankan Government, in an effort to reach out to the minority Tamil community, unveiled a plan that provides for a significant devolution of power to the provinces.

It is not for us to pass judgment on the merits of this or any other plan, but I think we can all applaud this effort to settle Sri Lanka's problems politically rather than militarily.

House Resolution 181 calls on the LTTE to return to the negotiating table, and urges all parties to negotiate in good faith with a view to finding a just and lasting political resolution to Sri Lanka's ethnic conflict.

It does not take sides in the conflict, but it does call for a political settlement that provides adequate protection for minority rights.

It does not commit the United States to any specific course of action, but it does indicate our willingness, in principle, to see the United States lend its good offices to help resolve the conflict, if this is desired by all parties.

This resolution has bipartisan support. It has the support of the administration as well.

I want to commend the chairman of the Asia and Pacific Subcommittee, Mr. BEREUTER, and the ranking member, Mr. BERMAN, who have worked closely with me as cosponsors of this resolution.

I urge my colleagues to put the House on record in support of a peaceful resolution of this ongoing tragedy in Sri Lanka.

I urge a ''yea'' vote on House Resolution 181.

Mr. GILMAN. Mr. Speaker, I commend the chairman of the Asia and Pacific Subcommittee, Mr. BEREUTER, and the ranking minority member, Mr. BERMAN, for their work on this resolution. And I commend the ranking minority member, Mr. HAMILTON for his efforts in crafting the resolution.

The conflict in Sri Lanka has gone on for nearly 12 years and so many lives—some 30,000—have been lost. The LTTE took the promising young life of Rajiv Gandhi and in 1994 a bomb attack killed the opposition presidential candidate along with more than 50 others. The State Department's human rights report for 1994 concludes that the government has used excessive force in the conflict.

As the resolution suggests, the United States could play a role in resolving the crises if the two disputing parties desire it. It is believed that the current government of President Kumaratunga is serious about working with the LTTE is finding a mutually agreeable solution. If our Government can play a role it would be an honor for all of us to help end the bloodshed.

Accordingly I urge my colleagues to support House Resolution 181.

Mr. BEREUTER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. WYNN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska [Mr. BEREUTER] that the House suspend the rules and agree to the resolution, House Resolution 181.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 181, the resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

CONGRATULATING THE PEOPLE OF MONGOLIA

Mr. BEREUTER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 158) congratulating the people of Mongolia on the 5th Anniversary of the first democratic multiparty elections held in Mongolia on July 29, 1990, as amended.

The Clerk read as follows:

H. RES. 158

Whereas in 1990 Mongolia ended nearly 7 decades of Soviet domination and single party Communist rule;

Whereas the 1992 Mongolian constitution established Mongolia as an independent and sovereign republic and guaranteed fundamental human rights;

Whereas the people of Mongolia enjoyed their first multiparty democratic elections on July 29, 1990, and their first direct presidential election on June 6, 1993;

Whereas the Department of State's 1994 Country Report on Human Rights practices commended Mongolia for ''steady—if sometimes uneven—progress in its transition from a highly centralized Communist-led state toward a full-fledged multiparty democracy'';

Whereas Mongolia continues its efforts to develop a market economy;

Whereas the United States has sought to assist Mongolia's movement toward democracy and market-oriented reforms by granting most-favored-nation status and providing insurance by the Overseas Private Investment Corporation, supporting Mongolia in international assistance organizations, and providing $35,000,000 in bilateral assistance; and

Whereas United States-funded programs of nongovernment organizations, such as the National Endowment for Democracy and the Asia Foundation, have helped build democracy in Mongolia: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends Mongolia for courageous efforts to transform itself from a single-party state to a multiparty state and from a controlled to a free market economy;

(2) congratulates Mongolia for the swift and peaceful changes that have taken place since the appearance of the internal reform movement in December 1989;

(3) cites for particular praise Mongolia's first multiparty democratic elections on July 29, 1990, and first direct presidential election on June 6, 1993;

(4) urges the Government of Mongolia to continue to strengthen and deepen democratic reform and human rights, including the full protection of religious freedom and other civil liberties, in order to enhance representative and accountable government;

(5) commends the parallel movement in Mongolia toward a free market economy through economic reforms;

(6) notes that the best hope for accelerated economic growth is to attract more foreign investment by further liberalizing the economy and expanding trade with nontraditional partners, including the United States; and

(7) pledges its continued support for democracy, human rights, and the development of a free market in Mongolia.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska [Mr. BEREUTER] will be recognized for 20 minutes, and the gentleman from Maryland [Mr. WYNN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Nebraska [Mr. BEREUTER].

(Mr. BEREUTER asked and was given permission to revise and extend his remarks.)

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the resolution before us today has one simple objective—to commend the people of Mongolia for the remarkable progress that country has made since 1990. Mongolia has

made great strides from a one-party Communist country with a command economy to the multiparty free market democracy. In the last 5 years, Mongolia has also freed itself from Soviet domination. Within a year from the fall of the Berlin Wall, the popularly elected Mongolian legislature—whose election we are commemorating in this resolution—enacted a new constitution which declared Mongolia an independent, sovereign republic with guaranteed civil rights and freedoms. These changes were not only dramatic in scope and speed, they were also accomplished without firing a shot and with little concrete support from the outside.

These accomplishments are worthy of congressional commendation. That is why we are here today.

The political changes of 1990–91 also marked the beginning of Mongolia's efforts to develop a market economy. Mongolia continues to press ahead with economic reform, including privatization of the economy, price deregulation, and the establishment of a single exchange rate.

More needs to be done to consolidate these reforms. The best hope for accelerated growth in Mongolia is to attract foreign investment, further liberalize the economy, and expand trade with nontraditional partners.

The United States has sought to assist Mongolia's movement toward democracy and market-oriented reforms. The First Lady, on her recent visit to Mongolia, announced a $4.5 million aid package for that country. We accorded Mongolia most favored nation trading status. We have concluded a bilateral tax treaty and an Overseas Private Investment Corporation agreement. We have supported Mongolia's entry into the IMF, the World Bank, and the Asian Development Bank.

In short, Mongolia represents a good example of the universality of civil and political rights and provides evidence that political freedom and economic development are not mutually exclusive.

Mr. Speaker, this Member would thank the chairman of the International Relations Committee, the distinguished gentleman from New York [Mr. GILMAN], for his assistance in moving House Resolution 158.

This Member would also thank the distinguished gentleman from California, the ranking Democrat on the Asia and Pacific Subcommittee, Mr. BERMAN, and the distinguished gentleman from Indiana, Mr. HAMILTON, for their help and support in moving this resolution forward. With their help, the committee has crafted a truly bipartisan message of support for the Mongolian people.

Mr. Speaker, I urge passage of House Resolution 158.

Mr. Speaker, I reserve the balance of my time.

(Mr. WYNN asked and was given permission to revise and extend his remarks.)

Mr. WYNN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I strongly support House Resolution 158, as amended.

After nearly 70 years of one-party Communist rule, the Mongolian people held their first multiparty democratic elections 5 years ago, on July 29, 1990. Since then, the Mongolian people have made important progress toward establishing a democratic, multiparty state and a free market economy.

The United States has sought to assist Mongolia in this transition to democracy and a market-oriented economy.

Only last week the First Lady visited Mongolia to reiterate our support for the Mongolian people and their achievements.

It is proper and fitting that the Congress also take note of Mongolia's accomplishments.

By adopting this resolution now, the House will be voicing its own support for the remarkable transition that Mongolia has undergone in recent years.

I commend Chairman BEREUTER for this resolution and urge its swift adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. KIM. Mr. Speaker, as a member of the International Relations Subcommittee on Asian and Pacific Affairs, I rise in strong support of this resolution commemorating the fifth anniversary of the first democratic multiparty elections held in Mongolia. This is an appropriate way for the House to commend the Mongolian people for the significant political and economic reforms they have made such a relatively short period of time.

Prior to 1990, Mongolia was a subservient, Soviet satellite state isolated from the rest of the world. Mongolia did not even have diplomatic or trade relations with most countries of the world including the United States. Tens of thousands of Soviet Red army troops were stationed in the country. As in other captive nations, the Communist Party monopolized power in Mongolia.

All of that changed 5 years ago. After nearly seven decades of Communist rule, the Mongolians held their first multiparty democratic elections and embarked on a very ambitious course of democratic and economic reform. And, Mongolians are proud of their new direction. While their ongoing transition has had its obstacles and temporary setbacks, compared to the progress of its giant neighbors; namely, Russia and China, Mongolia is a welcome success. As one Mongolian boasted to me, "We have evolved from a Communist monopoly to a democracy without blowing up the parliament or running over students with tanks." Not what one would expect from the land of Genghis Khan. Perhaps Mongolia's neighbors could learn a thing or two from Ulan Bator.

Without question, Mongolia continues to face tough challenges and growing pains during this period of transition. I realize that difficulties can arise during such a comprehensive reform effort. But, for genuine democracy and economic prosperity to be realized, Mongolians must understand that these problems need to be addressed in ways that further promote freedom and the rule of law. It is in this positive context that I raised concern about the possible erosion of religious freedom as guaranteed in the 1992 Mongolian Constitution during committee consideration of this resolution. As a result, during the markup, an amendment I sponsored to reinforce the importance of respecting civil liberties and the rule of law was unanimously accepted.

Considering the history, the harsh environment, and the economic and political isolation of Mongolia, the Mongolian people can be very proud of their achievements to date. While it is true that Mongolia is often not the focus of United States foreign policy, that should not be interpreted as we do not care. We do. First Lady Hillary Clinton recently paid an important good-will visit to Mongolia. And, today, this special resolution lets Mongolians know that their efforts are recognized by the United States House of Representatives. It sends a clear message that the United States is a friend and does care about Mongolia. It encourages Mongolia to continue full speed ahead with its reform program despite the short-term challenges such action may present.

Mr. Speaker, I urge my colleagues to support House Resolution 158 and to bolster the ongoing democratic movement in Mongolia.

Mr. BEREUTER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. WYNN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska [Mr. BEREUTER] that the House suspend the rules and agree to the resolution, House Resolution 158, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 158, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

SUPPORTING A DISPUTE RESOLUTION IN CYPRUS

Mr. BEREUTER. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 42), supporting a resolution to the long-standing dispute regarding Cyprus, as amended.

The Clerk read as follows:

H. CON. RES. 42

Whereas the long-standing dispute regarding Cyprus remains unresolved;

Whereas the military occupation by Turkey of a large part of the territory of the Republic of Cyprus has continued for over 20 years;

Whereas the status quo on Cyprus remains unacceptable;

Whereas the United States attaches great importance to a just and peaceful resolution of the dispute regarding Cyprus;

Whereas the United Nations and the United States are using their good offices to resolve such dispute;

Whereas on January 5, 1995, President Clinton appointed a Special Presidential Emmisary for Cyprus;

Whereas the United Nations has adopted numerous resolutions that set forth the basis of a solution for the dispute regarding Cyprus;

Whereas United Nations Security Council Resolution 939 of July 29, 1994, reaffirms that a solution must be based on a State of Cyprus with a single sovereignty and international personality, and a single citizenship, with its independence and territorial integrity safeguarded, and comprising two politically equal communities as described in the relevant Security Council resolutions, in a bicommunal and bizonal federation, and that such a settlement must exclude union in whole or in part with any other country or any form of partition or secession;

Whereas the United Nations has described the occupied part of Cyprus as one of the most highly militarized areas in the world;

Whereas the continued overwhelming presence of more than 30,000 Turkish troops on Cyprus hampers the search for a freely negotiated solution to the dispute regarding Cyprus;

Whereas the United Nations and the United States have called for the withdrawal of all foreign troops from the territory of the Republic of Cyprus; and

Whereas comprehensive plans for the demilitarization of the Republic of Cyprus have been proposed: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) reaffirms that the status quo on Cyprus is unacceptable;

(2) welcomes the appointment of a Special Presidential Emissary for Cyprus;

(3) expresses its continued strong support for efforts by the United Nations Secretary General and the United States Government to help resolve the Cyprus problems in a just and viable manner at the earliest possible time;

(4) insists that all parties to the dispute regarding Cyprus agree to seek a solution based upon the relevant United Nations resolutions, including Security Council Resolution 939 of July 29, 1994;

(5) reaffirms the position that all foreign troops should be withdrawn from the territory of the Republic of Cyprus;

(6) considers that ultimate, total demilitarization of the Republic of Cyprus would meet the security concerns of all parties involved, would enhance prospects for a peaceful and lasting resolution of the dispute regarding Cyprus, would benefit all of the people of Cyprus, and merits international support; and

(7) encourages the United Nations Security Council and the United States Government to consider alternative approaches to promote a resolution of the long-standing dispute regarding Cyprus based upon relevant Security Council resolutions, including incentives to encourage progress in negotiations or effective measures against any recalcitrant party.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska [Mr. BEREUTER] will be recognized for 20 minutes, and the gentleman from Maryland [Mr. WYNN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Nebraska [Mr. BEREUTER].

(Mr. BEREUTER asked and was given permission to revise and extend his remarks.)

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, having walked the blue line that divides Greeks from Turks in Cyprus—a line frozen in time for over 20 years—this Member is well aware of the need to move forward in achieving a just settlement of the Cyprus issue. This is a line where Turkish and Greek Cypriot forces have faced off, sometimes only 20 to 30 feet from one another, ready to resume hostilities at a moment's notice.

The current division of the island of Cyprus serves the interests of no one, and hampers the development and prosperity of both Greek Cypriots and Turkish Cypriots. In the meantime, the painfully slow negotiation on confidence building measures [CBM's] has run into additional difficulties.

House Concurrent Resolution 42 seeks to break the diplomatic logjam by proposing the demilitarization of the entire island. This Member would make the obvious point that demilitarization would have to be part of a comprehensive negotiated settlement, for demilitarization in and of itself would not resolve all the island's political problems.

This Member would make one final point: It is over 20 years since the island was forcibly partitioned. This Member has met with Republic of Cyprus President Clerides and Turkish Cypriot leader Raulf Denktesh. This Member sincerely believes these men are working for what they believe are the best interests of their people. While they are on opposite sides, they know one another, and at a basic level, I believe they respect one another. These men, and those like them, are of a certain age. When they were young, they attended the same schools. As young men, they fought the Nazis together. Later, they belonged to the same clubs and ate at the same restaurants. In short, they speak from common experience.

But Mr. Denktesh and President Clerides are not young men. And those who will follow them do not have this common history. The next generation lacks those common experiences that were forged in World War II. The next generation of Cypriot leaders is likely to have far less appreciation of the unique contributions of multicultural society. And this Member fears that the next generation of leaders is likely to be less committed to a fair and equitable settlement.

It is for this reason that efforts must now be redoubled to achieve a resolution to the longstanding dispute on Cyprus. This Member would urge that all parties work toward an honorable peace, and I note the efforts of the gentleman from New York [Mr. ENGEL] to achieve that peace. I commend him for crafting House Concurrent Resolution 42.

Mr. Speaker, I reserve the balance of my time.

(Mr. WYNN asked and was given permission to revise and extend his remarks.)

Mr. WYNN. Mr. Speaker, I yield myself such time as I many consume.

Mr. Speaker, first, I would like to commend my colleagues, Representative ENGEL and Chairman GILMAN for their work and leadership in bringing this constructive resolution before the House.

I would also point out that this resolution was adopted by an overwhelming majority of both parties when it was considered in the Committee on International Relations in July.

As an original cosponsor of House Concurrent Resolution 42, I would urge my colleagues to support this timely and important resolution.

I believe—as is amply set forth in the resolution—that the status quo on Cyprus is unacceptable.

I welcome and encourage the continuing efforts by the United States and the United Nations to help resolve the Cyprus problem in a just and viable manner.

I believe that the gradual demilitarization of the Republic of Cyprus would enhance prospects for a peaceful resolution of the long-standing dispute, and as a result would benefit all the people of that island nation.

For this important reason I strongly recommend that the House adopt House Concurrent Resolution 42. It is a helpful effort to move the peace process in Cyprus forward.

Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Speaker, I thank my colleague from Maryland for yielding time to me.

Mr. Speaker, I am here this afternoon to urge all of my colleagues to support House Concurrent Resolution 42, that calls for the demilitarization of the island nation of Cyprus.

Now in its 21st year, the illegal occupation of Cyprus by Turkey—who controls over one-third of the territory of this formerly sovereign nation with a heavily armed force of over 30,000—is an international dilemma that demands the highest degree of American attention and perseverance. Having watched with extreme pride the tireless efforts of American diplomats as they have tried to bring peace to Bosnia over the last few weeks, I want to remind all my colleagues that the issues we are fighting for in Bosnia are very much the same as those the United States needs to stand for with respect to Cyprus.

Just as the international community has condemned the Serb's brutal and shocking campaign of territorial conquest, so to has it long been in opposition to Turkey's defiant disrespect for Cyprus' sovereignty. Mr. Speaker, the international community has demanded that the Turks allow the Cypriot people to live as a free and independent people in various forms over the years. Most recently, in July of

last year the U.N. Security Council passed Resolution 939, which mandated that any settlement of the Cyprus issue ''must be based on a state of Cyprus with a single sovereignty and international personality and a single citizenship with its independence and territorial integrity safeguarded.''

Among other things, House Concurrent Resolution 42 ''insists that all parties to the dispute regarding Cyprus agree to seek a solution based upon the relevant United Nations resolutions,'' including Resolution 939. It does so, moreover, by calling for the complete demilitarization of an island that the Secretary General of the United Nations has described as ''one of the most highly militarized areas in the world.''

Mr. Speaker, if any one can tell me why it is not a good idea to demilitarize an island that for years has brought instability to the entire region surrounding it, I would love to hear the explanation. This gesture of goodwill, which was made last year by the Cypriot President Glafcos Clerides, represents a tremendous chance to facilitate a peaceful resolution to a highly volatile situation. A Turkish refusal to act on this proposal can only be read as an unwavering determination by Turkey to ignore the rule of law.

The Turks, however, should know that should they refuse to move on this situation, their determination will be met with an equal resolve by the United States to do whatever it takes to once again see a free and independent Cyprus. As the House's decision earlier this year to cut United States aid to Turkey illustrates, we mean business when we say we want to see this issue resolved consistent with respect for international law. I would urge my colleagues to demonstrate this once again by supporting House Concurrent Resolution 42.

Mr. WYNN. Mr. Speaker, I thank the gentleman for his outstanding remarks.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BEREUTER. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin [Mr. ROTH], a distinguished member of the Committee on International Relations.

Mr. ROTH. Mr. Speaker, I thank my friend from Nebraska for yielding me this time.

Mr. Speaker, I know that it is politically popular to beat up on the Turks, but I think it is also important for us in the U.S. Congress to be evenhanded. Mr. Speaker, this resolution is well-intentioned. All of us would like to see the settlement take place in Cyprus. Unfortunately, this resolution does not contribute anything useful to the long search for the settlement.

For decades, Cyprus has been the object of political and sometimes military tug of war between Greece and Turkey. This resolution could well make it more difficult for a settlement to be reached in Cyprus. First of all, the language in the resolution is slanted against Turkey. Let me give you an example. Those of you who have had a chance to take a look at the resolution, it says, ''Whereas, the military occupation by Turkey of a large part of the territory of the Republic of Cyprus has been continued for over 20 years,'' but there is nothing in here about Greece. That is why I say it is not evenhanded.

The resolution also implies that the United Nations has criticized only Turkish presence, and that is not the case, because the United Nations has called on both sides to withdraw their military forces. The resolution reaches the unfounded conclusion that Turkey's military presence is an obstacle to a negotiated solution in Cyprus.

Let me quote from the resolution. It says, ''Whereas, the continued overwhelming presence of more than 30,000 Turkish troops in Cyprus hampers the search for a freely negotiated solution to the dispute regarding Cyprus,'' and then it goes on, but it says nothing about the Greek troops that are there.

I feel as a Congress we should be evenhanded and look at both sides. The reality is that both Greece and Turkey have a legitimate interest in Cyprus. For the U.S. Congress now to come down on one side in this dispute is both unfair, and I think it is going to be counterproductive.

How will the Turks react to this resolution? Will they be more willing or less willing to negotiate a settlement if they see the U.S. policy as this unfolds here? For that reason alone I think the Congress should not adopt this resolution.

Cyprus is a really tough problem. Everyone understands that. This resolution is, or a resolution like this can be laudatory. If, if, if, we have something useful to offer. Just to adopt a resolution like this I think is just empty rhetoric. Therefore, I think that this is not a good time to pass this resolution.

I also think when you pass a resolution like this again, it should be evenhanded. Despite the good intentions of its sponsors, this resolution will not help Greece and Turkey solve the longstanding dispute over Cyprus.

□ 1240

For that reason, Mr. Speaker, I say that this is not a good resolution for the House to pass.

Mr. GILMAN. Mr. Speaker, this resolution offers a very moderate approach to the thorny issue of Cyprus. The withdrawal of foreign forces from the island is long overdue, and would certainly contribute to a climate conducive to negotiations leading to a settlement along the lines recommended in numerous Security Council resolutions. During our August recess, I had the opportunity to visit Cyprus once again and to view first hand the tragic effects of the prolonged division of the island. People who have been unable to return to their homes and villages for over 20 years. Bitterness and enmity have replaced traditions of togetherness and common purpose among the citizens of Cyprus. It is time to take some substantive measures to break the deadlock, and I strongly believe that total demilitarization should be considered by the leaders of the two communities in Cyprus.

I congratulate the gentleman from New York [Mr. ENGEL] for bringing this measure forward and for all his diligent efforts on behalf of the people of Cyprus. Those of us in this committee and in the House who have been concerned with the tragic situation in Cyprus over the years appreciate the gentleman's contribution.

Mr. PORTER. Mr. Speaker, I rise today to speak about the tragic separation of Cyprus enforced through the ongoing presence of Turkish military troops and to express strong support for the demilitarization of Cyprus as called for in the gentleman from New York's legislation.

Mr. Speaker, for 20 years the Cyprus problem has remained unresolved, despite continual attempts by the United States Government and the United Nations to achieve a solution. Notwithstanding the presence of United Nations peacekeeping forces, there has been little peace in Cyprus. Since 1974, 5 Americans and over 1,600 Greek Cypriots are among the missing and a generation has grown up in Cyprus not knowing peace and unity.

Mr. Speaker, over one-third of the territory of the Cyprus remains under occupation by over 30,000 heavily armed troops. Indeed, United Nations Secretary General Boutros-Ghali has described the northern part of Cyprus as ''one of the most highly militarized areas in the world.'' The Turkish occupation of Cyprus is recognized to be illegal and is in clear violation of numerous United Nations resolutions. Unfortunately, Turkey has recently increased the size of its occupation forces by adding 8,000 additional troops, accompanied by new tanks and armored vehicles. This buildup adds tension and danger to an already unconscionable situation.

Mr. Speaker, since the late 1970's the United Nations, with United States support, has promoted negotiations aimed at creating a Federal, vicommunal, bizonal Republic of Cyprus. Unfortunately these efforts have been unsuccessful. More recently, Cypriot President Clerides has proposed a demilitarization of Cyprus whereby he would completely disband the Cyprus Army in exchange for a withdrawal of Turkish forces from the island. U.N. peacekeepers could then monitor the status quo, at a reduced cost, while negotiations on the future of Cyprus continue. With both parties disarmed, the risk of violence would be reduced and, I think, the potential for progress in negotiations enhanced. This important and timely confidence building proposal by President Clerides should be embraced wholeheartedly by the Turkish Government, the leadership of northern Cyprus, and the United Nations.

Mr. Speaker, Cyprus is an incredibly beautiful island with wonderful, warm people and a rich history that is evidenced by a wealth of important archaeological sites and a beautiful legacy of art and architecture. Unfortunately, as you walk down the winding streets to Nicosia or drive through the Cyprus countryside, you are constantly reminded of the 35,000 troops that loom just beyond the horizon, beyond the U.N. peacekeeping troops, beyond the Green Line that divides Cyprus. The division of Cyprus is a profound tragedy

and this Congress should be vigilant in demanding an end to this tragedy. Demilitarization of the Island represents an important step in the right direction and the United States should use all available avenues to exert pressure on the Government of Turkey to see that this step occurs.

Mrs. MALONEY. Mr. Speaker, I proudly rise today as an original cosponsor of House Concurrent Resolution 42. I would also like to commend Representative ENGEL for his diligence and leadership on this issue. He is a true champion of the Greek-American community.

Over 21 years ago, the world witnessed a brutal and blatantly illegal act of ethnic cleansing. In 1974 hundreds of thousands of Turkish troops invaded the island of Cyprus. In a gross violation of human rights and international law, 200,000 people were expelled from their homes and forced from the land which had been theirs for generations. Tragically, this island remains divided by the continuing shackles of occupation and oppression—35,000 troops continue to occupy 37 percent of the island.

This resolution will put the House of Representatives on record supporting a number of actions which will help solve the continuing problem of Cyprus. The status quo on Cyprus is clearly unacceptable, a fact long accepted by the international community. The framework for a solution to the situation have also long been recognized, and are enshrined in UN Security Council Resolution 939, which reaffirms that a solution must be based on a bizonal and bi-communal federation.

Perhaps most importantly, this resolution calls for the demilitarization of Cyprus. This step would help dramatically to lessen the tensions in the region. This fact has been recognized by Cypriot President Clerides, who has been calling for demilitarization since 1993. Demilitarization would meet the security concerns of all the parties involved. By doing so, demilitarization would enhance the prospects for peaceful and lasting resolution of the Cyprus problem. It would benefit all the people of Cyprus and merits international support.

I would also like to take this opportunity to commend the Clinton administration for all of its hard work on resolving the problem of Cyprus and other important concerns of the Greek-American community. The President has helped to focus international attention on Cyprus with the appointment of Mr. Richard Beattie as his Special Emissary for Cyprus. The resolution of the Cyprus problem is clearly a high priority for the Clinton administration. As the proud representative of the large and vibrant community of Cypriot-Americans in Astoria, Queens, it is a high priority for me as well. With this vote, the whole House is making clear that it regards the resolution of this problem as a critical foreign policy objective.

Mr. GEKAS. Mr. Speaker, on August 2, 1990, Iraq invaded Kuwait which promoted the United States to lead the West in a unified effort to repeal that aggression and show the world it would not stand for such an injustice. While it took the West literally less than 21 hours to respond to this violation of international law, it has taken 21 years for the West to take this first step toward bringing justice to the Island of Cyprus. For this reason, I would like to take a moment and applaud the work of this body for finally taking action and, in doing so, sending a message of hope to the Greek Cypriot people.

Although it has been repeated time and time again on this House floor, I feel that it is important to resurrect the historical background of the illegal Turkish occupation of Cyprus. On July 20, 1974, Turkish troops invaded the island of Cyprus. The occupying force has since escalated into over 30,000 heavily armed troops, occupying nearly 40 percent of the sovereign territory of Cyprus. As a result of this invasion, over 1600 Greek Cypriots are unaccounted for and presumed either imprisoned or dead. As many of us know, there are also five American citizen who were abducted by Turkish forces during the invasion whose fate is still unknown and whose families have been grieving for 21 years, mystified as to why their Nation has done nothing to seek justice for their family members.

The resolution before us is the appropriate resolution for this body to act upon. House Concurrent Resolution 42, of which I am a proud original cosponsor, calls for the total withdrawal of Turkish troops from Cyprus. Without demilitarization that is little hope for meaningful negotiations. Just as we have learned from the situation in the former state of Yugoslavia, an accord can not be reached while weapons are being used as the instrument of communication.

Because we live in a country where personal freedoms and basic human rights are the cornerstone of government, it is incomprehensible for many of us to imagine a family member being dragged away by the secret police, never to be seen again; or to carry-out our daily lives with the threat and fear that comes from such military rule. For 21 years Greek Cypriots have lived under such horror waiting for their day of justice. Mr. Speaker, today we can give these people a taste of this justice by voting ''aye'' on House Concurrent Resolution 42, and I urge its unanimous adoption.

Mr. TORRICELLI. Mr. Speaker, I am proud to be an original cosponsor of House Concurrent Resolution 42, the Anti-Despotic Practices on Cyprus Act. The impetus for this legislation are the 500 Greek-Cypriots who are forced by the Turkish-Cypriots to live under oppressive conditions without basic freedoms.

The Anti-Despotic Practices on Cyprus Act reaffirms that the status quo on Cyprus is unacceptable and welcomes the appointment of a Special Presidential Emissary for Cyprus. The bill insists that all parties to the dispute regarding Cyprus agree to seek a solution based upon the relevant United Nations [UN] resolutions and reaffirms that all foreign troops should be withdrawn from the Republic of Cyprus. Demilitarization will lessen tensions in the region, meet the security concerns of all parties in an effective way, and help to promote a resolution to this dispute.

The Anti-Despotic Practices on Cyprus Act directs the President to make a determination as to whether United States foreign aid, either through the Economic Support Fund program, the Foreign Military Financing program, or the International Military Education and Training program, is being given to foreign governments who are participating in despotic practices against the people of Cyprus, who are not criminals and who have no association with terrorism.

For more than 20 years, innocent civilians have been limited in their location of worship, their interaction with others, telephone access, free travel, the ability to send and receive mail, access to educations beyond elementary school, the ability to return home after attending college, and access to a fair justice system. Despite continued efforts by the United States Government, the Cyprus problem remains unresolved.

Twenty years of oppression is long enough. The time has come for the United States to make a substantive, legislative mandate and utilize its power to facilitate a peace agreement in this region.

Mr. ENGEL. Mr. Speaker, I rise in support of my resolution, House Concurrent Resolution 42, which calls for the demilitarization of the island of Cyprus. This important resolution was approved by the International Relations Committee on July 19, 1995, by a vote of 24 to 6 and has now garnered almost 90 cosponsors.

As my colleagues are aware, more than one-third of the sovereign territory of the Republic of Cyprus remains under foreign occupation by over 30,000 heavily armed troops. At the same time, a continuing arms buildup on the island is increasingly a matter of serious concern. I strongly believe that demilitarizing Cyprus would lessen tensions in the region, meet the security concerns of all parties, and, thereby, help to promote a settlement of the longstanding dispute.

For over 20 years, the Cyprus problem has remained unresolved, despite continued attempts by the United States Government and the United Nations. Earlier this year, President Clinton appointed a special envoy for Cyprus and sent Assistant Secretary of State Richard Holbrooke to the region in search of a solution. Their efforts were well intentioned, but have been unable as yet to break the deadlock.

A fresh approach is necessary to bridge the gap between the parties. Last year, President Glafcos Clerides of Cyprus unveiled a balanced proposal for the complete demilitarization of the island, which has been well received in the United States and Europe. It is our hope that endorsement of this notion by the Congress will help the parties build a climate within which negotiations can succeed.

A bipartisan group of almost 90 Members of Congress has joined as cosponsors of this legislation, including large majorities of Republicans and Democrats on the International Relations Committee. I would particularly like to thank Rep. BEN GILMAN, chairman of the International Relations Committee, and Rep. LEE HAMILTON, ranking Democrat on the committee, for their support of House Concurrent Resolution 42. I would also like to express my appreciation to Rep. JOHN PORTER, original Republican cosponsor of the legislation, for his support and cooperation as we sought to move the resolution forward.

Having passed the 21st anniversary of the Turkish occupation of Cyprus, I urge the House to pass House Concurrent Resolution 42 and take this moderate, yet forward-looking step to promote a resolution of the longstanding conflict on Cyprus.

Mr. BILIRAKIS. I would like to commend my colleagues—Mr. ENGEL of New York, the sponsor of House Concurrent Resolution 42, and Mr. GILMAN, chairman of the International Relations Committee—for bringing this bill to the floor today. I rise in strong support of this important resolution, which calls for the demilitarization of Cyprus and insists that all parties

to the dispute agree to seek a solution based upon relevant U.N. resolutions, including provisions of Security Council Resolution 939. Resolution 939 reaffirms that a solution of the Cyprus problem should be based upon a state of Cyprus with a single sovereignty, citizenship, and international personality.

Demilitarization is crucial to a satisfactory resolution of the division of this island nation. In fact, this couldn't have been made more clear than in a recent report submitted to the U.N. Security Council regarding its resolution renewing the U.N. peacekeeping force in Cyprus. In that report, U.N. Secretary General Boutros Boutros-Ghali referred to occupied Cyprus as ''one of the most highly militarized areas in the world.''

Demilitarization would alleviate the security concerns of all parties and substantially enhance the prospects for a peaceful resolution of the problem.

It is evident, Mr. Speaker, that a solution to the 21-year-old problem on Cyprus will not be found until tensions are lessened on the island and the Turkish side agrees to come to the table and negotiate. I am satisfied that the Government of Cyprus remains committed to seeking a peaceful, just, and viable solution. The acceptance by the Turkish side of U.N. Resolution 939 and of Cyprus President Glafcos Clerides' demilitarization proposal would substantially enhance the prospects of a negotiated settlement.

Recently, in my home in Florida, a gentleman said to me that in all the history of the country of Turkey, voluntary negotiations and agreements based on those negotiations are absent. He said, ''They don't negotiate.''

Turkey has many internal problems. American taxpayer dollars are intended to help them with those problems, not to help them to wage invasions against their neighbors and to illegally occupy other lands.

Common sense, a true caring for their own people, their domestic needs and world opinion all would seem to dictate that Turkey would want to work out a solution to a problem that they just do not need.

I feel that we in the Congress have a responsibility to use our influence to see that Cyprus is made whole again, to rescue the thousands of Greek-Cypriots who have become refugees in the land of their birth. Like those faithful Cypriots in my district and elsewhere, we must do out utmost in this cause.

Again, Mr. Speaker I commend the sponsor of this legislation and his colleagues on the International Relations Committee, and I strongly urge passage of the bill.

Mrs. KELLY. Mr. Speaker, I rise today in strong support of House Concurrent Resolution 42, which officially calls for the demilitarization of Cyprus. This resolution will benefit both Greek and Turkish Cypriots while at the same time serving to ease the tensions in this region.

More than one-third of the sovereign territory of the Republic of Cyprus remains under foreign occupation by over 30,000 armed troops. Demilitarization of the island called for in House Concurrent Resolution 42 is essential if any type of settlement to end this longstanding dispute is to be reached.

Many efforts have been made in the past to resolve the Cyprus problem. These efforts must continue if we are to bridge the gap between the two parties. As late as last year, President Glafcos Clerides of Cyprus unveiled a plan that would demilitarize the island. This proposal should be commended. The United States has also taken steps to facilitate an agreement. Earlier this year, President Clinton appointed a special envoy for Cyprus and dispatched Assistant Secretary of State Richard Holbrooke to the region in hopes of helping to achieve a solution.

House Concurrent Resolution 42 is an important continuation of these efforts. It is a balanced and bipartisan resolution that will help to stabilize the eastern Mediterranean and will benefit all those concerned.

Ms. PELOSI. I rise today in support of House Concurrent Resolution 42, introduced by Representative ENGEL, to promote a peaceful resolution of the occupation of Cyprus. I am proud to be a cosponsor of this important bill and commend Representative ENGLE for his leadership on this issue.

In 1974, in a show of brute strength, Turkey dispatched its forces to begin an illegal occupation of Cyprus. Today, 21 years later, that tragic occupation continues. Despite calls by the United States and the United Nations for the withdrawal foreign troops from Cyprus, Turkish troops remain in Cyprus. And despite a call by the United Nations for this dispute to be resolved based on a single sovereign state of Cyprus, Cyprus remains partitioned along Greek and Turkish ethnic lines. And despite the support by the international community for a peaceful resolution of this conflict by negotiations, Turkish intransigence has, in the past, undermined the good faith atmosphere necessary for a successful conclusion to such talks.

The resolution before us today in straightforward. It places the United States Congress firmly on record in support of a peaceful resolution to the dispute between Turkey and Cyprus; it calls for the withdrawal of all foreign troops from Cyprus; and, it insists that all parties to the dispute seek a solution based on the United Nations framework. House Concurrent Resolution 42 also encourages the demilitarization of Cyprus and urges the U.N. Security Council and the administration to consider alternative approaches to resolving this dispute.

Mr. Speaker, the people of the divided nation of Cyprus have suffered for too long under an illegal occupation. A peaceful resolution to this conflict is long overdue. Withdrawal of foreign troops and the demilitarization of Cyprus are important steps toward restoring peace and harmony to this tragically divided land. I urge my colleagues to support House Concurrent Resolution 42 to put the U.S. Congress on record in support of such action.

Ms. FURSE. Mr. Speaker, with today's passage of House Concurrent Resolution 42 regarding Cyprus, I welcome this opportunity to mention the important work of the Institute for Multi-Track Diplomacy in resolving conflict there. The resolution's encouragement of the U.N. Security Council and the U.S. Government to consider alternative approaches to promote a resolution of the dispute there is especially significant.

I submit for the CONGRESSIONAL RECORD a compilation of the institute's impressive history of achievement in utilizing alternative approaches for bringing about new understandings among Cypriots in both the Greek and Turkish communities.

This model has great potential for resolving this and other seemingly intractable conflicts. I commend it to the attention of my colleagues.

INSTITUTE FOR
MULTI-TRACK DIPLOMACY,
Cyprus, August 14, 1995.

BACKGROUND

Since July 1991, we have been working in partnership with NTL Institute for Applied Behavioral Science to co-sponsor our initiative in Cyprus. The aim is to create a human infrastructure of change agents among thee Turkish- and Greek-Cypriot (TC & GC) communities who can manage a citizen-based, internal, bicommunal process of trust-building, peacebuilding, and reconciliation between two peoples who have been in conflict for decades.

Laying the groundwork for this project took nearly two years and included eight trips to Cyprus by IMTD and NTL staff members. Each of these trips included some form of training related to conflict resolution. We fostered a network of interested and active Greek and Turkish Cypriots who consistently participate in these events. This group is coordinated by a Bicommunal Steering Committee (BSC), which came into existence in November 1992. We created this Committee for the purpose of advising IMTD on this project, but we were elated to discover that it has taken on a life of its own, coordinating other peacebuilding activities on the island in addition to being involved with the IMTD project.

CATALYSTS FOR CHANGE IN CYPRUS

In late July and early August of 1993, IMTD and the NTL Institute held a ten-day intensive training in conflict resolution and intergroup relations in Oxford, England. This marked the transformation of this project into a new stage. Ten Greek Cypriots and ten Turkish Cypriots participated under the guidance of Louise Diamond and three trainers from the fields of conflict resolution and the applied behavioral sciences. The Oxford program was exciting, powerful, emotionally draining, and spiritually uplifting. The training covered many different kinds of concrete skills, ranging from basic communication, to conflict analysis, to project design and implementation. Beyond the cognitive level, the participants also developed friendships, built trust, and began the emotionally painful process of reconciliation.

They translated these learnings into the beginning of several bicommunal projects which they started upon their return to the island. The participants, who began to call themselves ''The Oxford Group,'' returned to Cyprus with increased understanding, and, above all, with a renewed sense of hope—a crucial element of momentum needed to break the patterns of thought and action that keep the Cyprus conflict from being resolved.

CYPRUS CONFLICT MANAGEMENT PROJECT

To maintain this momentum, the Oxford Group asked for a more advanced ''training of trainers'' program and identified a second group of twenty who were ready to take the base training. This desire to go further, and the obvious success of the Oxford Group, spurred the Cyprus Fulbright Commission to request extensive funding for additional training in conflict resolution in Cyprus. In response to this request, IMTD formed a new consortium, joining resources with NTL and the Conflict Management Group (CMG) of Cambridge, Massachusetts, in order to provide an extensive series of training programs during the spring and summer of 1994.

In this series, the Cyprus Consortium delivered eight training sessions to over 200 participants. One workshop was for Cyprus American Scholarship Program (CASP) students studying in American universities. Two were for community leaders who are involved in bicommunal activities. There were

three sessions for CASP alumni from the thirty years of the program, and one training of trainers program was offered. A special program brought forty public policy leaders, twenty from each community, to the Coolfont Conference Center in West Virginia for intensive training. This expansive project was sponsored by the Cyprus Fulbright Commission and funded by the U.S. Agency for International Development, through Amideast.

An additional benefit of the program was the collaboration between the three different organizations in the Consortium, which proved to be a great laboratory for cross-fertilization on different theories and practices of conflict resolution. Also, an ongoing research and evaluation component is uncovering fascinating data about the effects of these types of training events on the participants and on the larger community to which they return.

Louise Diamond returned to Cyprus in December 1994 with CMG Project Director Diana Chigas to do follow-up work, particularly to conduct evaluation interviews with twenty participants from the Coolfront Public Policy Leaders training. The reports from the participants were enthusiastically positive, as they noted how they were able to use the skills upon returning and how the experience has changed their lives. Several participants wrote articles or appeared on television shows to describe the work publicly and reduce the public suspicion that follows this work in Cyprus.

In early 1995 the Bicommunal Steering Committee officially opened an office in the Ledra Palace Hotel within the UN buffer zone. This provides a physical and institutional base for continuing bicommunal activities, and indicates the degree to which the conflict resolution work has been legitimated and accepted in both communities. Recent events on conflict resolution undertaken by graduates of our programs have attracted large audiences of up to two hundred people. Clearly, our work in Cyprus is bearing fruit.

CURRENT ACTIVITIES

In August 1995 the Cyprus Consortium received a second grant from Amideast and the Cyprus Fulbright Commission—this time to conduct six different training events over a three-year span. In October 1995 we will run an advanced Training of Trainers program, building upon the training of trainers event from the summer of 1994. In 1996, three events are scheduled, including a training for Turkish-and Greek-Cypriot scholarship students in the United States, a training for Greek- and Turkish-Cypriot educators in Cyprus, and a training for Public Policy Leaders, similar to the training we offered in West Virginia last summer. In 1997 we will conduct another scholarship student training, and we will bring a group of Greek- and Turkish-Cypriot High School students to the United States for a conflict resolution summer camp.

The Cyprus Consortium has also received a small grant from the Carnegie Corporation to develop a conflict analysis workshop for public leaders that will build on the work we have already completed. The project staffs at both IMTD and CMG will engage in ongoing research into the development of the conflict case studies, including El Salvador, Northern Ireland, the Israeli-Palestinian conflict, and South Africa. The staff will also continue research on theories developed by IMTD, NTL, and CMG and the Harvard Negotiation Project with the goal of developing training materials that will aid the public policy leaders in their own conflict analysis process. If funding can be secured, a workshop could be planned for as early as spring 1996.

Mr. BURTON of Indiana. Mr. Speaker, I want to express my opposition to House Concurrent Resolution 42.

I would like to call my colleagues' attention to two clauses in this resolution which deserve close scrutiny.

The first is the fifth ''Whereas Clause'' on page two. It concludes

Whereas the continued overwhelming presence of more than 30,000 Turkish troops on Cyprus hampers the search for a freely negotiated solution to the dispute regarding Cyprus.

The second is the sixth ''Resolved Clause'' on page three. It affirms that,

The Congress—considers that the demilitarization of the Republic of Cyprus would meet the security concerns of all parties involved, would enhance prospects for a peaceful and lasting resolution of the dispute regarding Cyprus, would benefit all of the people of Cyprus, and merits international support.

I believe both of these clauses are seriously flawed.

With respect to the fifth ''Whereas Clause'' on page two, I wish the resolution's supporters would say what they really mean—that the 30,000 Turkish troops in the Turkish Republic of Northern Cyprus [TRNC] prevent the Greek Cypriots from unilaterally imposing their own solution to the Cyprus dispute on the Turkish Cypriots.

Calling for the withdrawal of Turkish troops from Cyprus prior to any negotiated settlement which provides for the security of the Turkish Cypriots is absurd. I would dare say that few in this body would ask the Republic of China on Taiwan to disarm as a first step toward promoting the unification of China or suggest that South Koreans should lay down their arms to facilitate the reunification of the Korean peninsula.

While I am not trying to compare the Government of the Republic of Cyprus with North Korea or Communist China, the sad fact is that Turkish Cypriot distrust of Greek Cypriots is every bit as strong as Taiwanese distrust of Communist Chinese or South Korean distrust of North Koreans. This distrust is the result of the terrible repression which they suffered at the hands of Greek Cypriots from 1960 to 1974.

To ignore the legitimate security concerns of the Turkish Cypriot community and to conclude, as this resolution does on page three, in the sixth ''Resolved Clause'' that the demilitarization of the Turkish Republic of Northern Cyprus [TRNC] would meet the security concerns of all parties involved and would benefit all of the people of Cyprus without also requiring the Republic of Cyprus to make similar confidence-building concessions only reveals the biased nature of this resolution.

If the supporters of this resolution were really concerned about promoting a fair resolution to the Cyprus dispute they would also call on the Governments of the Republic of Cyprus and Greece to end their defacto embargo of the Turkish Republic of Northern Cyprus [TRNC].

While the Republic of Cyprus prefers not to use the word ''embargo,'' because a declared embargo is a form of recognition of the Turkish Republic of Northern Cyprus [TRNC], it has employed numerous tactics designed to impoverish the Turkish Cypriots since 1974.

For example, the Republic of Cyprus declares all Turkish Cypriot airports ''illegal.'' They consider any landing by a foreign carrier as a violation of their air space, and Greek Cypriot air traffic controllers refuse to clear planes for landing in the north. Consequently, no planes from Europe will risk landing in the north. Tourists who wish to visit the north must transit through Turkey. This additional expense and burden have killed the development of a tourist industry. In addition, all overseas mail must be routed through Turkey.

The Republic of Cyprus also declares all Turkish Cypriot seaports illegal. Thus, if a ship docks in the north and afterwards docks at a southern port, its captain is subject to arrest and imprisonment.

The Republic of Cyprus has pressured most foreign countries to declare that export certificates, issued by Turkish Cyprus which vouch for the health and safety of products, are invalid. As a result, most Turkish Cypriot exports must be routed through Turkey, which adds to the cost and has jeopardized the survival of many Turkish Cypriot businesses.

The Greek Cypriot embargo has also hindered growth of international business. Turkish Cypriots, who have applied to be agents of foreign companies and open franchises in the north have been rejected because Greek Cypriots have threatened retaliation against those companies that also have franchises in the Republic of Cyprus and Greece.

Unfortunately, nothing about the Greek Cypriot embargo of the north is mentioned in House Concurrent Resolution 42. If the resolution's supporters really want to promote harmony between the two Cypriot communities, I suggest that they call on the Republic of Cyprus to end its economic embargo against the north before they demand the withdrawal of Turkish troops.

Mr. Chairman, before I conclude, I want to call attention to the most serious problem with this resolution. Like most other resolutions brought before this committee dealing with Cyprus, House Concurrent Resolution 42 glosses over—some may even say purposely ignores—the history of Cyprus prior to 1974. I, therefore, feel compelled to examine the origin of this conflict and specifically the period of 1963–74.

I want to stress to my colleagues that in 1960, when Great Britain relinquished control of the island, a bicommunal government was established with shared leadership by Turkish Cypriots and Greek Cypriots as political equals. Neither community was to dominate the new government. Tragically, right after Britain's departure, the new President of Cyprus, a Greek Cypriot, Archbishop Makarios, began to carry out his plan for union with Greece. By December 1963, Greek Cypriots had destroyed the bicommunal character of the Republic physically ousting Turkish Cypriot leaders from their elected positions and destroying over 100 Turkish Cypriot villages.

For the next 11 years, Turkish Cypriots, heavily outnumbered by the Greek Cypriots, suffered great losses—human and material—in clashes initiated by Greek Cypriots and fully supported by the Greek Army. One out of every 120 Turkish Cypriots, including women, children, and the elderly, was killed during this period even with U.N. peacekeeping troops present on the island.

Thousands of Turkish Cypriots were forced to flee from their homes to live in enclaves throughout the island and were, in effect, held hostage in their own land without representation in government which was provided them

in the 1960 constitution. United States Secretary of State George Ball visited Cyprus in February 1964 and concluded that Greek Cypriots ''just wanted to be left alone to kill Turkish Cypriots.'' Turkey waited for 11 years for help from the world community. None came. By 1974, Turkey could no longer stand by and watch innocent Turkish Cypriots be slaughtered by Greek Cypriots. So Turkey intervened militarily on the island which was completely legal under the 1960 Treaty of Guarantee signed by the Turkish Cypriots, Turkey, Britain, Greece, and the Greek Cypriots. It clearly stated that any of signatures had the right to intervene on Cyprus should the sovereignty of the island be threatened.

Let me emphasize that these troops pose no threat to the southern part of the island. Since the Turkish military intervention concluded in 1974, these troops have never attacked or threatened to attack the south. They are there simply to deter aggression against Turkish Cypriots. Let me also add that unlike Government officials from Greece, who have often made statements saying that Cyprus is rightfully part of Greece, no Turkish officials have ever suggested that Turkey should attempt to annex the whole of Cyprus.

Unfortunately, House Concurrent Resolution 42 completely dismisses the history of Cyprus.

For Turkish Cypriots, the memories of 1960–74 remain vivid. It is absurd to suggest that they should lay down their arms and suddenly trust their age-old nemesis, especially when Greek Cypriots are continuing to try to impoverish them through an economic embargo. I cannot think of another conflict in the world where this committee would put forth such a solution.

I call on my colleagues to reject House Concurrent Resolution 42. This resolution is biased against the Turkish Republic of Northern Cyprus and Turkey. It makes no demands whatsoever of the Republic of Cyprus like lifting its economic embargo against the north, and it completely ignores the history of the island and who is to blame for its division.

Mr. BEREUTER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CLINGER). The question is on the motion offered by the gentleman from Nebraska [Mr. BEREUTER] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 42, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

RELATING TO THE UNITED STATES-NORTH KOREA AGREED FRAMEWORK

Mr. BEREUTER. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 83) relating to the United States-North Korea Agreed Framework and the obligations of North Korea under that and previous agreements with respect to the denuclearization of the Korean Peninsula and dialogue with the Republic of Korea, as amended.

The Clerk read as follows:

H.J. RES. 83

Whereas the United States-Democratic People's Republic of Korea Agreed Framework (''Agreed Framework''), entered into on October 21, 1994, between the United States and North Korea, requires North Korea to stop and eventually dismantle its graphite-moderated nuclear reactor program and related facilities, and comply fully with its obligations under the Treaty on the Non-Proliferation of Nuclear Weapons, in exchange for alternative energy sources, including interim supplies of heavy fuel oil for electric generators and more proliferation-resistant light water reactor technology;

Whereas the Agreed Framework also commits North Korea to ''consistently take steps to implement the North-South Joint Declaration on the Denuclearization of the Korean Peninsula'' and ''engage in North-South'' dialogue with the Republic of Korea;

Whereas the Agreed Framework does not indicate specific criteria for full normalization of relations between the United States and North Korea, and does not link the sequencing of actions in the Agreed Framework with any time-frame for carrying out the provisions of the North-South Joint Declaration on the Denuclearization of the Korean Peninsula and carrying out the dialogue between North Korea and the Republic of Korea;

Whereas the commitment by North Korea to carry out the letter and spirit of the Agreed Framework has been put into doubt by actions of North Korea since October 21, 1994, including the suspected diversion of United States heavy fuel oil in apparent contravention of the agreed purpose of the interim fuel deliveries, the resistance to accepting light water reactors from the Republic of Korea, the harsh denunciations of the Government of the Republic of Korea and other actions contrary to the commitment by North Korea to engage in a dialogue with such Government, and the continued conduct of provocative, offensive oriented military exercises; and

Whereas the nuclear threat posed by North Korea is just one of a number of security concerns of the United States arising out of the policies of North Korea: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CLARIFICATION OF NUCLEAR NONPROLIFERATION OBLIGATIONS OF NORTH KOREA UNDER THE AGREED FRAMEWORK.

It is the sense of the Congress that in discussions or negotiations with the Government of North Korea pursuant to the implementation of the United States-Democratic People's Republic of Korea Agreed Framework (in this joint resolution referred to as the ''Agreed Framework'') entered into on October 21, 1994, the President should uphold the following minimum conditions relating to nuclear nonproliferation:

(1) All spent fuel from the graphite-moderated nuclear reactors and related facilities of North Korea should be removed from the territory of North Korea as is consistent with the Agreed Framework.

(2) The International Atomic Energy Agency should have the freedom to conduct any and all inspections that it deems necessary to fully account for the stocks of plutonium and other nuclear materials in North Korea, including special inspections of suspected nuclear waste sites before any nuclear components controlled by the Nuclear Supplier Group Guidelines are delivered for a light water reactor for North Korea.

(3) The dismantlement of all declared graphite-based nuclear reactors and related facilities in North Korea, including reprocessing units, should be completed in accordance with the Agreed Framework and in a manner that effectively bars in perpetuity any reactivation of such reactors and facilities.

(4) The United States should suspend actions described in the Agreed Framework if North Korea attempts to reload its existing 5 megawatt nuclear reactor or resumes construction of nuclear facilities other than those permitted to be build under the Agreed Framework.

SEC. 2. ROLE OF THE REPUBLIC OF KOREA UNDER THE AGREED FRAMEWORK.

It is further the sense of the Congress that the Republic of Korea should play the central role in the project to provide light water reactors to North Korea under the Agreed Framework.

SEC. 3. FURTHER STEPS TO PROMOTE UNITED STATES SECURITY AND POLITICAL INTERESTS WITH RESPECT TO NORTH KOREA.

It is further the sense of the Congress that, after the date of the enactment of this joint resolution, the President should not take further steps toward upgrading diplomatic relations with North Korea beyond opening liaison offices, or relaxing trade and investment barriers imposed against North Korea without—

(1) action by the Government of North Korea to engage in a North-South dialogue with the Government of the Republic of Korea;

(2) significant progress toward implementation of the North-South Joint Declaration on the Denuclearization of the Korean Peninsula; and

(3) progress toward the achievement of several long-standing United States policy objectives regarding north Korea and the Korean Peninsula, including—

(A) reducing the number of military forces of North Korea along the Demilitarized Zone and relocating such military forces away from the Demilitarized Zone;

(B) prohibiting any movement by North Korea toward the deployment of an intermediate range ballistic missile system; and

(C) prohibiting the export by North Korea of missiles and other weapons of mass destruction, including related technology and components.

SEC. 4. RESTRICTIONS ON ASSISTANCE TO NORTH KOREA AND THE KOREAN PENINSULA ENERGY DEVELOPMENT ORGANIZATION.

(a) IN GENERAL.—Chapter 1 of part III of the Foreign Assistance Act of 1961 (22 U.S.C. 2370 et seq.) is amended by adding at the end the following new section:

''SEC. 620G. ASSISTANCE TO NORTH KOREA AND THE KOREAN PENINSULA ENERGY DEVELOPMENT ORGANIZATION.

''(a) IN GENERAL.—No assistance may be provided under this Act or any other provision of law to North Korea or the Korean Peninsula Energy Development Organization unless—

''(1) such assistance is provided in accordance with all requirements, limitations, and

procedures otherwise applicable to the provision of such assistance for such purposes; and

''(2) the President—

(A) notifies the congressional committees specified in section 634(a) of this Act prior to the obligation of such assistance in accordance with the procedures applicable to reprogramming notifications under that section, irrespective of the amount of the proposed obligation of such assistance; and

''(B) determines and reports to such committees that the provision of such assistance is vital to the national interests of the United States.

''(b) EXCEPTION.—The requirement of subsection (a)(2) shall not apply with respect to assistance authorized to be appropriated and appropriated for North Korea or the Korean Peninsula Energy Development Organization.''.

(b) EFFECTIVE DATE.—Section 620G of the Foreign Assistance Act of 1961, as added by subsection (a), applies with respect to assistance provided to North Korea or the Korean Peninsula Energy Development Organization on or after the date of the enactment of this joint resolution.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska [Mr. BEREUTER] will be recognized for 20 minutes, and the gentleman from Indiana [Mr. HAMILTON] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

(Mr. BEREUTER asked and was given permission to revise and extend his remarks.)

Mr. BEREUTER. Mr. Speaker, the behavior of the isolated, authoritarian Communist regime in North Korea continues to remind us that important American nonproliferation and regional security interests remain at great risk notwithstanding the October 1994 United States-DPRK Agreed Framework. North Korea remains an outlaw state that will not easily adapt itself to international norms. This has been underscored by Pyongyang's bitter resistance to accepting light water reactor technology from South Korea under the October 1994 accord, recent steps by North Korea that would have the effect of unilaterally undermining the Military Armistice Commission [MAC] that supervises the truce along the demilitarized zone [DMZ], and continued refusal to engage in normalization talks with the Republic of Korea, in the South.

In theory, the October 1994 framework agreement provides a mechanism for reining in Pyongyang's nuclear weapons program and addressing other United States security concerns regarding the Korean Peninsula. With the North Koreans, however, nothing is ever simple or settled. In June, Assistant Secretary of State Winston Lord noted at a regional security hearing before the Subcommittee on Asia and the Pacific that ''We're going to have a very arduous journey in the next 10 or 15 years in implementing the Agreed Framework.''

North Korea's confrontational behavior continues to raise fundamental questions about whether Pyongyang is acting in good faith. North Korea has diverted some of the United States-supplied heavy oil that we already have delivered under the terms of the agreement, and the North has continued its relentless political attacks against our ally, South Korea. North Korea continues to make new and outrageous demands, including a demand for a billion dollars in additional assistance to enhance its power grid and for other purposes. Its implicit agreement that a South Korean firm will be the prime contractor for the project under the management of the Korean Peninsula Energy Development Organization [KEDO], negotiated at Kuala Lumpur this summer, remains to be tested.

House Joint Resolution 83 was introduced by this Member, together with my friend and distinguished subcommittee colleague from California, Mr. KIM, and was marked up by the full House International Relations Committee on June 29, The resolution provides policy guidance to the administration as it seeks to engage with North Korea. Not incidentally, the resolution will also send a signal from the Congress to Pyongyang that there can be no deviation from the terms of the United States-DPRK agreement. The resolution is similar to language adopted by the full House in action on H.R. 1561. The most important exception is a small but important change to section 4, which is intended to alleviate the administration's concerns that the resolution not impose a reprogramming notification requirement in regard to funds specifically authorized and appropriated by Congress for KEDO.

Despite the fact that the resolution is imbedded in the American Overseas Interests Act, there are compelling reasons to adopt it separately. Passage of the resolution will be a fitting expression of congressional support for our ally of more than five decades, the Republic of Korea, recently commemorated during the visit of President Kim Yong-sam to attend the dedication of the Korean War Veterans Memorial last July.

I believe that there is nothing on this issue that we in Congress can do which is more important than to go on record to emphasize the continuing concern of the United States for maintaining the peace and stability of the Korean Peninsula, and to categorically insist that South Korea must be allowed to play a central role in arrangements negotiated by the United States to address the problem of North Korea's nuclear program.

Because this issue is so important, this Member will take a moment to explain more precisely what this legislation does.

House Joint Resolution 83 has 4 major sections, addressing 4 concerns:

First, it spells out minimum objectives for United States nonproliferation policy in regard to North Korea's obligations under the United States-DPRK Agreed Framework. This is necessary to make explicitly clear that there can be no retreat from what is in the agreement regarding North Korea's obligations, and to clarify where Congress stands on issues that the administration may possibly consider as still subject to future negotiation.

Second, it insures that our longstanding ally South Korea remains a key player in the accord by reaffirming that the Republic of Korea is the only acceptable source for the light water reactors that are to be provided to North Korea under the accord.

Third, House Joint Resolution 83 establishes minimum preconditions for further moves toward relaxing United States trade sanctions and normalizing relations with North Korea. These include a requirement that North Korea engage in dialog with the South per a 1992 North-South Agreement, and also the North-South agreement on Korean Peninsula denuclearization. It also conditions further steps toward normalization on progress toward the achievement of longstanding United States goals of reducing the military threat posed by North Korea's excessive military forces, its ballistic missile programs and its exports of ballistic missiles and other weapons of mass destruction.

This latter point is important. In my view and that of many other Members of Congress and security policy experts, the administration has been understandably focused but unduly focused on containing North Korea's nuclear program and avoiding the need to seek international economic sanctions, and not enough focused on broader United States security concerns regarding the North.

Fourth, House Joint Resolution 83 imposes notification requirements on the use of reprogrammed funds to support the agreement, by establishing the same terms and conditions regarding authorizations and appropriations from non-Foreign Assistance Act sources as would apply to assistance provided to North Korea under the Foreign Assistance Act. This includes the notification of any reprogramming actions to the House International Relations Committee and the Senate Foreign Relations Committee, no matter from what source the funding is obtained, and full justification for assistance provided under waiver authority to provisions of the Foreign Assistance Act that otherwise would prohibit such assistance.

Mr. Speaker, this Member thanks the chairman of the International Relations Committee, the distinguished gentleman from New York [Mr. GILMAN], for his support and assistance in crafting this legislation. The chairman's staff provided invaluable assistance in addressing many of the issues in House Joint Resolution 83.

In addition, this Member would assure all of his colleagues that every effort has been made to make this a bipartisan initiative. This Member would point to the very constructive additions made by the ranking Democrat

on the Asia and Pacific Subcommittee, distinguished gentleman from California [Mr. BERMAN].

Mr. Speaker, this is indeed a very important, long-term policy issue that merits a firm statement of congressional will. The North Korean nuclear issue is certainly, quite arguably, the most dangerous and unpredictable challenge facing us today. The resolution provides needed policy guidance to the administration, protects the interests of our ally, South Korea, broadens the scope of United States policy concerns, and protects the jurisdictional interests of this body.

I urge the House to adopt the joint resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. HAMILTON. Mr. Speaker, I yield myself such time as I may consume.

(Mr. HAMILTON asked and was given permission to revise and extend his remarks.)

Mr. HAMILTON. Mr. Speaker, I rise in opposition to this resolution. I regret the necessity to do that. I do think that the distinguished gentleman from Nebraska [Mr. BEREUTER], the author of the resolution, has really worked very hard to meet many of the objections of our side, and I think he has met a number of them that we originally had. Nonetheless, for my part at least, the resolution still amounts to a unilateral rewriting of the United States-North Korean agreed framework.

It is important to point out, I think, that the administration opposes this resolution. It is also important to point out that the agreement, the North Korean agreed framework with the United States, has served United States interests very well. It perhaps is worth remembering that before the negotiations got under way, there were many respected voices in this town calling for bombing North Korea, but that agreement has been struck, and it serves United States interests well. Because of this agreement North Korea has shut down its only operating reactor. It has halted construction on two new reactors. It has sealed its reprocessing facility and stopped construction on a new reprocessing line. It has refrained from reprocessing the spent fuels in its possession. It has given the IAEA inspectors and U.S. technicians access to nuclear facilities, and it has agreed not only to resume IAEA inspections, but to go beyond its obligations under the nonproliferation treaty and forgo reprocessing altogether.

Mr. Speaker, dealing with North Korea of course is never easy, but this resolution makes the President's job all the more difficult. House Joint Resolution 83 adds new conditions which North Korea must meet before the United States can take further steps to upgrade our diplomatic relations or economic relations with the North.

Now all of us want North Korea to take those steps, and all of us hope that North Korea will do so. But these steps, it should be very clear to all, go beyond what is called for in the agreed framework by loading up the agreement with new unilaterally imposed conditions. This resolution lessens the prospects of that agreement's success, and then we could be back in the midst of a full-scale nuclear crisis with a North Korea leading to sanctions, escalation, and perhaps the bombing that some people were asking for only a few months ago.

I urge my colleagues not to allow the pursuit of an ideal outcome to destroy a good agreement that is working and working in the interests of the United States. Remember, since October 1994, North Korea's nuclear program has been frozen in its tracks. I do not thank we should jeopardize the agreement that has achieved this success, and I urge a ''no'' vote on this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, my colleagues, I have great respect for the gentleman from Indiana [Mr. HAMILTON], the ranking minority member of the committee. I regret the fact that he rises in opposition to the resolution, but I appreciate his kind words, and I would have to say in response just a reminder to my colleagues.

The gentleman from Indiana; I know he is aware of this fact, that the elements to which he objects are contained in a sense-of-the-Congress section, section 3, and in fact those items that we list as being important, things that should not be forgotten in this whole process, such as the continued focus on accelerating North-South dialog, all of these are existing policy supported by this administration and previous administrations, and I dare say the majority in Congress, and I would say further that in a sense-of-the-Congress resolution, it does not in any fashion object to the diplomatic relations that have been established with North Korea, although many Members do object to that fact. It says that the President should not take further steps toward upgrading diplomatic relations.

Finally, Mr. Speaker, I would say that I regard this resolution as strengthening the hand of the administration in negotiating with the North Koreans and assuring that we keep their feet to the fire and that we do verify their compliance with the agreement. I think it strengthens the hand of the administration in this respect. In fact, I would not offer it if I did not feel very strongly that it was the case, Mr. Speaker.

Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Wisconsin [Mr. ROTH], who by his experience and involvement is quite an expert on the Korean Peninsula.

Mr. ROTH. Mr. Speaker, I appreciate the gentleman's kind remarks, and I compliment him for the fine job he is doing in managing this legislation. I, too, am sorry to hear that the administration is opposed to this resolution. The reason I say that is this resolution, as I see it, only reemphasizes the points in our agreement with North Korea, and all we are saying is that we expect the North Koreans to live up to that agreement, and so I cannot see why the administration would be opposed to this resolution.

Mr. Speaker, all of us in this House would like to think that this resolution is unnecessary. But the North Koreans have displayed, time after time, that they cannot be trusted. Now they have lied, they have stalled, and they have cheated for too many years, and for us not to be alert to this skullduggery I think would be unwise.

It is important for the Congress to send a clear message, and this is a message to both the North Koreans and to our allies in the South. Basically what we are saying is that this resolution underscores that Congress is steadfast in that first, the terms of last October's agreement are the absolute minimum acceptable; secondly, that North Korea will not be allowed to divide us from South Korea. In this regard any further steps toward normalization must be linked to real progress in North-South dialog. Third, the only acceptable source for two nuclear reactors is South Korea; and, fourth, our other military and political objective for the Korean Peninsula will not be neglected or even bargained with. Fifth, Congress retains final authority under any expenditures in support of this agreement.

Apparently this last point has caused some controversy with the administration, and, to be honest with my colleagues, I am surprised. Under the current law we already require congressional notification and a waiver for any such use in the 150 account. It is natural that we require the same here. this resolution simply insures that the President is up front with the congress and with the U.S. taxpayers. this is what I call a sunshine provision. Everyone should know what is in it; everyone should live up to the terms.

Mr. Speaker, I cannot see any reason why anyone would be opposed to this resolution, and so I want to, in conclusion, thank my friend from Nebraska for bringing this resolution to the floor. He has presented and provided a needed opportunity to underscore the underlying and unyielding support for South Korea and for the United States vital interests in the Korean Peninsula. North Korea should have no delusions. We are resolute as a Congress, and as a people we will live up to these commitments, and we expect the North Koreans to live up to those commitments also.

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

First I thank the gentleman from Wisconsin [Mr. ROTH] for his kind remarks and for the information that he conveyed to our colleagues, which is

very important, about our resolve to see that North Koreans live with the agreement and that we not backpedal in any way on our commitment that there be a North-South dialog and that we not permit the North Koreans to divide the Republic of Korea, South Korea, and the United States.

Mr. KIM. Mr. Speaker, I rise in strong support of House Joint Resolution 83, the resolution relating to the United States-North Korea Agreed Framework. As the only Korean-American in Congress, I am proud to have sponsored this measure with Asia Subcommittee chairman DOUG BEREUTER.

In October 1994, when the administration first unveiled the United States-North Korea Agreed Framework, many praised it as the beginning of the end to a perilous nuclear crisis in the Pacific rim. Unfortunately, I did not share that same optimism. In fact, I felt that the agreed framework was yet another effort to appease North Korea at the expense of the national security interests of both the United States and our ally, the Republic of Korea. It looked to me like the United States was obligated to give more than it received in return.

In that regard, I was pleased to help sponsor House Joint Resolution 83 because it defines the specific direction which the administration must follow in its dealings with North Korea, rather than allowing that direction to be dictated by the leadership in Pyongyang. Most important of all is the stipulation that a North-South dialog be of the highest priority to ensure a reduction in the hostilities between the two governments in the hopes of long-term peace on the peninsula.

I think it is important that this Congress, and this administration, send a clear message to North Korea by setting forth a blueprint of what we will accept as positive progress. And, with House Joint Resolution 83 we make it clear that without such progress, we will not provide North Korea with the economic and political benefits they want. Therefore, I ask all of my colleagues to support the immediate passage of House Joint Resolution 83 so that we set a clear plan of action with respect to North Korea.

Mr. GILMAN. Mr. Speaker, I commend the distinguished chairman of our subcommittee on Asia and the Pacific, Mr. BEREUTER, for bringing this resolution before the House. I also commend the distinguished ranking member of the subcommittee, Mr. BERMAN, for his helpful contributions.

The substance of the resolution has, of course, already passed the House as part of H.R. 1561, the American Overseas Interests Act, and so I expect it to receive broad bipartisan support today.

The resolution serves two useful purposes. First, it articulates the views of the Congress with respect to the October 21, 1994, agreed framework between the United States and North Korea under which North Korea is to suspend and then dismantle its nuclear program in exchange for deliveries of heavy fuel oil and construction in North Korea of two 1,000 megawatt light water nuclear reactors.

The resolution does not criticize or reject the agreed framework, but it does sound several cautionary notes about implementation of the agreement. In particular, it urges that the agreed framework be implemented in a manner consistent with United States interests; that South Korea have a central role in implementing the agreed framework; and that the United States not take further steps to normalize our relations with North Korea until North Korea improves its behavior in other areas of concern to us, such as implementing the North-South Joint Declaration on the Denuclearization of the Korean Peninsula, curtailing ballistic missile exports, and reducing tensions along the DMZ.

The second purpose of the resolution is to ensure that all United States foreign assistance that is provided to North Korea or the Korean Peninsula Energy Development Organization pursuant to the agreed framework is provided under the same terms and conditions that govern all other United States foreign assistance. This is necessary because the administration has already on two occasions sought to deliver assistance to North Korea from funds not subject to the terms and conditions of the Foreign Assistance Act—in one case from Defense Department funds, and in the other from Energy Department funds.

House Joint Resolution 83 will make an important contribution to the Congress' ability to oversee implementation of the agreed framework, and I urge its adoption.

Mr. BEREUTER. Mr. Speaker, I have no further requests for time.

Mr. HAMILTON. Mr. Speaker, I, too, have no further requests for time, and I yield back the balance of my time.

Mr. BEREUTER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska [Mr. BEREUTER] that the House suspend the rules and pass the joint resolution, House Joint Resolution 83, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the joint resolution, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the joint resolution just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

□ 1259

MEDAGOGUES

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, it is not only House Republicans that are questioning the barrage of scare tactics on Medicare that are being presented by the Democrats and certain of their special interest associates. Last week's Washington Post editorial entitled ''Medagogues'' puts the entire Medicare debate into perspective by comparing the two parties on this critical issue.

Mr. Speaker, as you may be able to see from this copy, the Post finds the Republican plan to be credible, gutsy, and, in some respects, inventive. It addresses a genuine problem that is only going to get worse, as we all know. What the Democrats have, instead, is a lot of expostulation, TV ads, and scare talk, so says the Washington Post.

The Post is not generally given to commenting so harshly about Democrats. The Post goes on to wonder about how the Democrats propose to finance Medicare without real structural change. They conclude that they are listening in vain for a real response from the Democrats.

Mr. Speaker, I join with the Post to call on my Democratic colleagues to abandon the politics of fear and join us in saving Medicare for current and future beneficiaries. The country needs it and we can do it.

RECESS

The SPEAKER pro tempore (Mr. CLINGER). Pursuant to clause 12 of rule I, the Chair declares the House in recess until 3 p.m.

Accordingly (at 1 o'clock p.m.), the House stood in recess until 3 p.m.

□ 1500

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. FOLEY) at 3 p.m.

RYAN WHITE CARE ACT AMENDMENTS OF 1995

Mr. BILIRAKIS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1872) to amend the Public Health Service Act to revise and extend programs established pursuant to the Ryan White Comprehensive AIDS Resources Emergency Act of 1990, as amended.

The Clerk read as follows:

H.R. 1872

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Ryan White CARE Act Amendments of 1995''.

SEC. 2. REFERENCES.

Whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to that section or other provision of the Public Health Service Act (42 U.S.C. 201 et seq.).

TITLE I—EMERGENCY RELIEF FOR AREAS WITH SUBSTANTIAL NEED FOR SERVICES

SEC. 101. ESTABLISHMENT OF PROGRAM OF GRANTS.

(a) NUMBER OF CASES; DELAYED APPLICABILITY.—Effective October 1, 1996, section 2601(a) (42 U.S.C. 300ff–11) is amended—

(1) by striking ''subject to subsection (b)'' and inserting ''subject to subsections (b) through (d)''; and

(2) by striking ''metropolitan area'' and all that follows and inserting the following:

''metropolitan area for which there has been reported to the Director of the Centers for Disease Control and Prevention a cumulative total of more than 2,000 cases of acquired immune deficiency syndrome for the most recent period of five calendar years for which such data are available.''.

(b) OTHER PROVISIONS REGARDING ELIGIBILITY.—Section 2601 (42 U.S.C. 300ff–11) is amended by adding at the end thereof the following subsections:

''(c) REQUIREMENTS REGARDING POPULATION.—

''(1) NUMBER OF INDIVIDUALS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary may not make a grant under this section for a metropolitan area unless the area has a population of 500,000 or more individuals.

''(B) LIMITATION.—Subparagraph (A) does not apply to any metropolitan area that was an eligible area under this part for fiscal year 1995 or any prior fiscal year.

''(2) GEOGRAPHIC BOUNDARIES.—For purposes of eligibility under this part, the boundaries of each metropolitan area are the boundaries that were in effect for the area for fiscal year 1994.

''(d) CONTINUED STATUS AS ELIGIBLE AREA.—Notwithstanding any other provision of this section, a metropolitan area that was an eligible area under this part for fiscal year 1996 is an eligible area for fiscal year 1997 and each subsequent fiscal year.''.

(c) CONFORMING AMENDMENT REGARDING DEFINITION OF ELIGIBLE AREA.—Section 2607(1) (42 U.S.C. 300ff–17(1)) is amended by striking ''The term'' and all that follows and inserting the following: ''The term 'eligible area' means a metropolitan area meeting the requirements of section 2601 that are applicable to the area.''.

SEC. 102. HIV HEALTH SERVICES PLANNING COUNCIL.

(a) ESTABLISHMENT.—Section 2602(b)(1) (42 U.S.C. 300ff–12(b)(1)) is amended—

(1) in subparagraph (A), by inserting before the semicolon the following: '', including federally qualified health centers'';

(2) in subparagraph (D), by inserting before the semicolon the following: ''and providers of services regarding substance abuse'';

(3) in subparagraph (G), by inserting before the semicolon the following: ''and historically underserved groups and subpopulations'';

(4) in subparagraph (I), by inserting before the semicolon the following: '', including the State medicaid agency and the agency administering the program under part B'';

(5) in subparagraph (J), by striking ''and'' after the semicolon;

(6) by striking subparagraph (K); and

(7) by adding at the end the following subparagraphs:

''(K) grantees under section 2671, or, if none are operating in the area, representatives of organizations in the area with a history of serving children, youth, women, and families living with HIV; and

''(L) grantees under other HIV-related Federal programs.''.

(b) DUTIES.—Section 2602(b)(3) (42 U.S.C. 300ff–12(b)(3)) is amended—

(1) by striking ''The planning'' in the matter preceding subparagraph (A) and all that follows through the semicolon at the end of subparagraph (A) and inserting the following: ''The planning council under paragraph (1) shall carry out the following:

''(A) Establish priorities for the allocation of funds within the eligible area based on the following factors:

''(i) Documented needs of the HIV-infected population.

''(ii) Cost and outcome effectiveness of proposed strategies and interventions, to the extent that such data are reasonably available.

''(iii) Priorities of the HIV-infected communities for which the services are intended.

''(iv) Availability of other governmental and nongovernmental resources.'';

(2) in subparagraph (B)—

(A) by striking ''develop'' and inserting ''Develop''; and

(B) by striking ''; and'' and inserting a period;

(3) in subparagraph (C)—

(A) by striking ''assess'' and inserting ''Assess'';

(B) by striking ''rapidly''; and

(C) by inserting before the period the following: '', and assess the effectiveness, either directly or through contractual arrangements, of the services offered in meeting the identified needs''; and

(4) by adding at the end the following subparagraphs:

''(D) Participate in the development of the statewide coordinated statement of need initiated by the State health department (where it has been so initiated).

''(E) Obtain input on community needs through conducting public meetings.''.

(c) GENERAL PROVISIONS.—Section 2602(b) (42 U.S.C. 300ff–12(b)) is amended by adding at the end the following paragraph:

''(4) GENERAL PROVISIONS.—

''(A) COMPOSITION OF COUNCIL.—The planning council under paragraph (1) shall (in addition to requirements under such paragraph) reflect in its composition the demographics of the epidemic in the eligible area involved, with particular consideration given to disproportionately affected and historically underserved groups and subpopulations. Nominations for membership on the council shall be identified through an open process, and candidates shall be selected based on locally delineated and publicized criteria. Such criteria shall include a conflict-of-interest standard for each nominee.

''(B) CONFLICTS OF INTEREST.—

''(i) The planning council under paragraph (1) may not be directly involved in the administration of a grant under section 2601(a). With respect to compliance with the preceding sentence, the planning council may not designate (or otherwise be involved in the selection of) particular entities as recipients of any of the amounts provided in the grant.

''(ii) An individual may serve on the planning council under paragraph (1) only if the individual agrees to comply with the following:

''(I) If the individual has a financial interest in an entity, and such entity is seeking amounts from a grant under section 2601(a), the individual will not, with respect to the purpose for which the entity seeks such amounts, participate (directly or in an advisory capacity) in the process of selecting entities to receive such amounts for such purpose.

''(II) In the case of a public or private entity of which the individual is an employee, or a public or private organization of which the individual is a member, the individual will not participate (directly or in an advisory capacity) in the process of making any decision that relates to the expenditure of a grant under section 2601(a) for such entity or organization or that otherwise directly affects the entity or organization.''.

SEC. 103. TYPE AND DISTRIBUTION OF GRANTS.

(a) FORMULA GRANTS BASED ON RELATIVE NEED OF AREAS.—Section 2603(a) (42 U.S.C. 300ff–13(a)) is amended—

(1) in paragraph (1)—

(A) in the second sentence, by inserting '', subject to paragraph (4)'' before the period; and

(B) by adding at the end the following sentence: ''Grants under this paragraph for a fiscal year shall be disbursed not later than 60 days after the date on which amounts appropriated under section 2677 become available for the fiscal year, subject to any waivers under section 2605(d).'';

(2) in paragraph (2), by amending the paragraph to read as follows:

''(2) ALLOCATIONS.—Of the amount available under section 2677 for a fiscal year for making grants under section 2601(a)—

''(A) the Secretary shall reserve 50 percent for making grants under paragraph (1) in amounts determined in accordance with paragraph (3); and

''(B) the Secretary shall, after compliance with subparagraph (A), reserve such funds as may be necessary to carry out paragraph (4).''; and

(3) by adding at the end the following paragraph:

''(4) MAXIMUM REDUCTION IN GRANT.—In the case of any eligible area for which a grant under paragraph (1) was made for fiscal year 1995, the Secretary, in making grants under such paragraph for the area for the fiscal years 1996 through 2000, shall (subject to the extent of the amount available under section 2677 for the fiscal year involved for making grants under section 2601(a)) ensure that the amounts of the grants do not, relative to such grant for the area for fiscal year 1995, constitute a reduction of more than the following, as applicable to the fiscal year involved:

''(A) 1 percent, in the case of fiscal year 1996.

''(B) 2 percent, in the case of fiscal year 1997.

''(C) 3 percent, in the case of fiscal year 1998.

''(D) 4 percent, in the case of fiscal year 1999.

''(E) 5 percent, in the case of fiscal year 2000.''.

(b) SUPPLEMENTAL GRANTS.—Section 2603(b) (42 U.S.C. 300ff–13(b)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking ''Not later than'' and all that follows through ''section 2605(b)—'' and inserting the following: ''After allocating in accordance with subsection (a) the amounts available under section 2677 for grants under section 2601(a) for a fiscal year, the Secretary, in carrying out section 2601(a), shall from the remaining amounts make grants to eligible areas described in this paragraph. Such grants shall be disbursed not later than 150 days after the date on which amounts appropriated under section 2677 become available for the fiscal year. An eligible area described in this paragraph is an eligible area whose application under section 2605(b)—'';

(B) in subparagraph (D), by striking ''and'' after the semicolon;

(C) in subparagraph (E), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end thereof the following subparagraph:

''(F) demonstrates the manner in which the proposed services are consistent with the local needs assessment and the statewide coordinated statement of need.''; and

(2)(A) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively; and

(B) by inserting after paragraph (1) the following paragraph:

''(2) PRIORITY.—

''(A) SEVERE NEED.—In determining severe need in accordance with paragraph (1)(B), the Secretary shall give priority consideration in awarding grants under this subsection to eligible areas that (in addition to complying with paragraph (1)) demonstrate a more severe need based on the prevalence in the eligible area of—

''(i) sexually transmitted diseases, substance abuse, tuberculosis, severe mental illness, or other conditions determined relevant by the Secretary, which significantly affect the impact of HIV disease;

''(ii) subpopulations with HIV disease that were previously unknown in such area; or

''(iii) homelessness.

''(B) PREVALENCE.—In determining prevalence of conditions under subparagraph (A), the Secretary shall use data on the prevalence of the conditions described in such subparagraph among individuals with HIV disease (except that, in the case of an eligible area for which such data are not available, the Secretary shall use data on the prevalences of the conditions in the general population of such area).''.

(c) ADDITIONAL REQUIREMENTS FOR GRANTS.—Section 2603 (42 U.S.C. 300ff–13) is amended by adding at the end the following subsection:

''(c) COMPLIANCE WITH PRIORITIES OF HIV PLANNING COUNCIL.—Notwithstanding any other provision of this part, the Secretary, in carrying out section 2601(a), may not make any grant under subsection (a) or (b) to an eligible area unless the application submitted by such area under section 2605 for the grant involved demonstrates that the grants made under subsections (a) and (b) to the area for the preceding fiscal year (if any) were expended in accordance with the priorities applicable to such year that were established, pursuant to section 2602(b)(3)(A), by the planning council serving the area.''.

SEC. 104. USE OF AMOUNTS.

Section 2604 (42 U.S.C. 300ff–14) is amended—

(1) in subsection (b)—

(A) in paragraph (1)(A), by striking ''including case management and comprehensive treatment services, for individuals'' and inserting the following: ''including HIV-related comprehensive treatment services (including treatment education and measures for the prevention and treatment of opportunistic infections), case management, and substance abuse treatment and mental health treatment, for individuals'';

(B) in paragraph (2)(A)—

(i) by inserting after ''nonprofit private entities,'' the following: ''or private for-profit entities if such entities are the only available provider of quality HIV care in the area,'' ; and

(ii) by striking ''and homeless health centers'' and inserting ''homeless health centers, substance abuse treatment programs, and mental health programs''; and

(C) by adding at the end the following paragraph:

''(3) PRIORITY FOR WOMEN, INFANTS AND CHILDREN.—For the purpose of providing health and support services to infants, children, and women with HIV disease, the chief elected official of an eligible area shall use, of the grants made for the area under section 2601(a) for a fiscal year, not less than the percentage constituted by the ratio of the population in such area of infants, children, and women with acquired immune deficiency syndrome to the general population in such area of individuals with such syndrome, or 15 percent, whichever is less. In expending the funds reserved under the preceding sentence for a fiscal year, the chief elected official shall give priority to providing, for pregnant women, measures to prevent the perinatal transmission of HIV.''; and

(2) in subsection (e), by adding at the end thereof the following sentence: ''In the case of entities to which such officer allocates amounts received by the officer under the grant, the officer shall ensure that, of the aggregate amount so allocated, the total of the expenditures by such entities for administrative expenses does not exceed 10 percent (without regard to whether particular entities expend more than 10 percent for such expenses).''.

SEC. 105. APPLICATION.

Section 2605 (42 U.S.C. 300ff–15) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(B), by striking ''1-year period'' and all that follows through ''eligible area'' and inserting ''preceding fiscal year'';

(B) in paragraph (4), by striking ''and'' at the end thereof;

(C) in paragraph (5), by striking the period at the end thereof and inserting ''; and''; and

(D) by adding at the end thereof the following paragraph:

''(6) that the applicant will participate in the process for the statewide coordinated statement of need (where it has been initiated by the State), and will ensure that the services provided under the comprehensive plan are consistent with such statement.'';

(2) in subsection (b)—

(A) in the subsection heading, by striking ''ADDITIONAL''; and

(B) in the matter preceding paragraph (1), by striking ''additional'';

(3) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(4) by inserting after subsection (b), the following subsection:

''(c) SINGLE APPLICATION.—Upon the request of the chief elected official of an eligible area, the Secretary may authorize the official to submit a single application through which the official simultaneously requests a grant pursuant to subsection (a) of section 2603 and a grant pursuant to subsection (b) of such section. The Secretary may establish such criteria for carrying out this subsection as the Secretary determines to be appropriate.''.

SEC. 106. TECHNICAL ASSISTANCE; PLANNING GRANTS.

Section 2606 (42 U.S.C. 300ff–16) is amended—

(1) by inserting before ''The Administrator'' the following: ''(a) IN GENERAL.—'';

(2) by striking ''may, beginning'' and all that follows through ''title,'' and inserting ''(referred to in this section as the 'Administrator') shall''; and

(3) by adding at the end the following subsection:

''(b) PLANNING GRANTS REGARDING INITIAL ELIGIBILITY FOR GRANTS.—

''(1) ADVANCE PAYMENTS ON FIRST-YEAR FORMULA GRANTS.—With respect to a fiscal year (referred to in this subsection as the 'planning year'), if a metropolitan area has not previously received a grant under section 2601 and the Administrator reasonably projects that the area will be eligible for such a grant for the subsequent fiscal year, the Administrator may make a grant for the planning year for the purpose of assisting the area in preparing for the responsibilities of the area in carrying out activities under this part.

''(2) REQUIREMENTS.—

''(A) IN GENERAL.—A grant under paragraph (1) for a planning year shall be made directly to the chief elected official of the city or urban county that administers the public health agency to which section 2602(a)(1) is projected to apply for purposes of such paragraph. The grant may not be made in an amount exceeding $75,000.

''(B) OFFSETTING REDUCTION IN FIRST FORMULA GRANT.—In the case of a metropolitan area that has received a grant under paragraph (1) for a planning year, the first grant made pursuant to section 2603(a) for such area shall be reduced by an amount equal to the amount of the grant under such paragraph for the planning year. With respect to amounts resulting from reductions under the preceding sentence for a fiscal year, the Secretary shall use such amounts to make grants under section 2603(a) for the fiscal year, subject to ensuring that none of such amounts are provided to any metropolitan area for which such a reduction was made for the fiscal year.

''(3) FUNDING.—Of the amounts available under section 2677 for a fiscal year for carrying out this part, the Administrator may reserve not more than 1 percent for making grants under paragraph (1).''.

TITLE II—CARE GRANT PROGRAM

SEC. 201. GENERAL USE OF GRANTS.

Section 2612 (42 U.S.C. 300ff–22) is amended to read as follows:

''SEC. 2612. GENERAL USE OF GRANTS.

''(a) IN GENERAL.—A State may use amounts provided under grants made under this part for the following:

''(1) To provide the services described in section 2604(b)(1) for individuals with HIV disease.

''(2) To provide to such individuals treatments that in accordance with section 2616 have been determined to prolong life or prevent serious deterioration of health.

''(3) To provide home- and community-based care services for such individuals in accordance with section 2614.

''(4) To provide assistance to assure the continuity of health insurance coverage for such individuals in accordance with section 2615.

''(5) To establish and operate consortia under section 2613 within areas most affected by HIV disease, which consortia shall be designed to provide a comprehensive continuum of care to individuals and families with such disease in accordance with such section.

''(b) PRIORITY FOR WOMEN, INFANTS AND CHILDREN.—For the purpose of providing health and support services to infants, children, and women with HIV disease, a State shall use, of the funds allocated under this part to the State for a fiscal year, not less than the percentage constituted by the ratio of the population in the State of infants, children, and women with acquired immune deficiency syndrome to the general population in the State of individuals with such syndrome, or 15 percent, whichever is less. In expending the funds reserved under the preceding sentence for a fiscal year, the State shall give priority to providing, for pregnant women, measures to prevent the perinatal transmission of HIV.''.

SEC. 202. GRANTS TO ESTABLISH HIV CARE CONSORTIA.

Section 2613 (42 U.S.C. 300ff–23) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting ''(or private for-profit providers or organizations if such entities are the only available providers of quality HIV care in the area)'' after ''nonprofit private,''; and

(B) in paragraph (2)(A)—

(i) by inserting ''substance abuse treatment, mental health treatment,'' after ''nursing,''; and

(ii) by inserting after ''monitoring,'' the following: ''measures for the prevention and treatment of opportunistic infections, treatment education for patients (provided in the context of health care delivery),''; and

(2) in subsection (c)(2)—

(A) in clause (ii) of subparagraph (A), by striking ''and'' after the semicolon;

(B) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(C) by adding after subparagraph (B) the following subparagraph:

''(C) grantees under section 2671, or, if none are operating in the area, representatives in

the area of organizations with a history of serving children, youth, women, and families living with HIV.''.

SEC. 203. PROVISION OF TREATMENTS.

Section 2616(a) (42 U.S.C. 300ff–26(a)) is amended—

(1) by striking ''may use amounts'' and inserting ''shall use a portion of the amounts'';

(2) by striking ''section 2612(a)(4)'' and inserting ''section 2612(a)(2)''; and

(3) by inserting before the period the following: '', including measures for the prevention and treatment of opportunistic infections''.

SEC. 204. ADDITIONAL REQUIREMENTS FOR GRANTS.

(a) FINDINGS.—The Congress finds as follows:

(1) Research studies have demonstrated that administration of antiviral medication during pregnancy can significantly reduce the transmission of the human immunodeficiency virus (commonly known as HIV) from an infected mother to her baby.

(2) The Centers for Disease Control and Prevention have recommended that all pregnant women receive HIV counseling; voluntary, confidential HIV testing; and appropriate medical treatment (including antiviral therapy) and support services.

(3) The provision of such testing without access to such counseling, treatment, and services will not improve the health of the woman or the child.

(4) The provision of such counseling, testing, treatment, and services can reduce the number of pediatric cases of acquired immune deficiency syndrome, can improve access to and provision of medical care for the woman, and can provide opportunities for counseling to reduce transmission among adults.

(5) The provision of such counseling, testing, treatment, and services can reduce the overall cost of pediatric cases of acquired immune deficiency syndrome.

(6) The cancellation or limitation of health insurance or other health coverage on the basis of HIV status should be impermissible under applicable law. Such cancellation or limitation could result in disincentives for appropriate counseling, testing, treatment, and services.

(7) For the reasons specified in paragraphs (1) through (6)—

(A) mandatory counseling and voluntary testing of pregnant women should be the standard of care; and

(B) the relevant medical organizations as well as public health officials should issue guidelines making such counseling and testing the standard of care.

(b) ADDITIONAL REQUIREMENTS FOR GRANTS.—Part B (42 U.S.C. 300ff–21 et seq.) is amended—

(1) in section 2611, by adding at the end the following sentence: ''The authority of the Secretary to provide grants under this part is subject to section 2673D (relating to the testing of pregnant women and newborn infants).''; and

(2) by inserting after section 2616 the following section:

"SEC. 2616A. REQUIREMENT REGARDING HEALTH INSURANCE.

''(a) IN GENERAL.—Subject to subsection (c), the Secretary shall not make a grant under this part to a State unless the State has in effect a statute or regulations regulating insurance that imposes the following requirements:

''(1) That, if health insurance is in effect for an individual, the insurer involved may not (without the consent of the individual) discontinue the insurance, or alter the terms of the insurance (except as provided in paragraph (3)), solely on the basis that the individual is infected with HIV disease or solely on the basis that the individual has been tested for the disease.

''(2) That paragraph (1) does not apply to an individual who, in applying for the health insurance involved, knowingly misrepresented any of the following:

''(A) The HIV status of the individual.

''(B) Facts regarding whether the individual has been tested for HIV disease.

''(C) Facts regarding whether the individual has engaged in any behavior that places the individual at risk for the disease.

''(3) That paragraph (1) does not apply to any reasonable alteration in the terms of health insurance for an individual with HIV disease that would have been made if the individual had a serious disease other than HIV disease.

''(b) REGULATION OF HEALTH INSURANCE.—A statute or regulation shall be deemed to regulate insurance for purposes of this section only to the extent that it is treated as regulating insurance for purposes of section 514(b)(2) of the Employee Retirement Income Security Act of 1974.

''(c) APPLICABILITY OF REQUIREMENT.—

''(1) IN GENERAL.—Except as provided in paragraph (2), this section applies upon the expiration of the 120-day period beginning on the date of the enactment of the Ryan White CARE Act Amendments of 1995.

''(2) DELAYED APPLICABILITY FOR CERTAIN STATES.—In the case of the State involved, if the Secretary determines that a requirement of this section cannot be implemented in the State without the enactment of State legislation, then such requirement applies to the State on and after the first day of the first calendar quarter that begins after the close of the first regular session of the State legislature that begins after the date of the enactment of the Ryan White CARE Act Amendments of 1995. For purposes of the preceding sentence, in the case of a State that has a 2-year legislative session, each year of such session is deemed to be a separate regular session of the State legislature.''.

(c) TESTING OF NEWBORNS; PRENATAL TESTING.—Part D (42 U.S.C. 300ff–71 et seq.) is amended by inserting before section 2674 the following sections:

"SEC. 2673C. TESTING OF PREGNANT WOMEN AND NEWBORN INFANTS; PROGRAM OF GRANTS.

''(a) PROGRAM OF GRANTS.—The Secretary may make grants to States described in subsection (b) for the following purposes:

''(1) Making available to pregnant women appropriate counseling on HIV disease.

''(2) Making available to such women testing for such disease.

''(3) Testing newborn infants for such disease.

''(4) In the case of newborn infants who test positive for such disease, making available counseling on such disease to the parents or other legal guardians of the infant.

''(5) Collecting data on the number of pregnant women and newborn infants in the State who have undergone testing for such disease.

''(b) ELIGIBLE STATES.—Subject to subsection (c), a State referred to in subsection (a) is a State that has in effect, in statute or through regulations, the following requirements:

''(1) In the case of newborn infants who are born in the State and whose biological mothers have not undergone prenatal testing for HIV disease, that each such infant undergo testing for such disease.

''(2) That the results of such testing of a newborn infant be promptly disclosed in accordance with the following, as applicable to the infant involved:

''(A) To the biological mother of the infant (without regard to whether she is the legal guardian of the infant).

''(B) If the State is the legal guardian of the infant:

''(i) To the appropriate official of the State agency with responsibility for the care of the infant.

''(ii) To the appropriate official of each authorized agency providing assistance in the placement of the infant.

''(iii) If the authorized agency is giving significant consideration to approving an individual as a foster parent of the infant, to the prospective foster parent.

''(iv) If the authorized agency is giving significant consideration to approving an individual as an adoptive parent of the infant, to the prospective adoptive parent.

''(C) If neither the biological mother nor the State is the legal guardian of the infant, to another legal guardian of the infant.

''(3) That, in the case of prenatal testing for HIV disease that is conducted in the State, the results of such testing be promptly disclosed to the pregnant woman involved.

''(4) That, in disclosing the test results to an individual under paragraph (2) or (3), appropriate counseling on the human immunodeficiency virus be made available to the individual (except in the case of a disclosure to an official of a State or an authorized agency).

''(c) LIMITATION REGARDING AVAILABILITY OF GRANT FUNDS.—With respect to an activity described in any of paragraphs (1) through (4) of subsection (b), the requirement established by a State under such subsection that the activity be carried out applies for purposes of this section only to the extent that the following sources of funds are available for carrying out the activity:

''(1) Federal funds provided to the State in grants under subsection (a).

''(2) Funds that the State or private entities have elected to provide, including through entering into contracts under which health benefits are provided. This section does not require any entity to expend non-Federal funds.

''(d) DEFINITIONS.—For purposes of this section, the term 'authorized agency', with respect to the placement of a child (including an infant) for whom a State is a legal guardian, means an entity licensed or otherwise approved by the State to assist in such placement.

''(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated $10,000,000 for each of the fiscal years 1996 through 2000.

"SEC. 2673D. TESTING OF PREGNANT WOMEN AND NEWBORN INFANTS; CONTINGENT REQUIREMENT REGARDING STATE GRANTS UNDER PART B.

''(a) DETERMINATION BY SECRETARY.—During the first 30 days following the expiration of the 2-year period beginning on the date of the enactment of the Ryan White CARE Act Amendments of 1995, the Secretary shall publish in the Federal Register a determination of whether it has become a routine practice in the provision of health care in the United States to carry out each of the activities described in paragraphs (1) through (4) of section 2673C(b). In making the determination, the Secretary shall consult with the States and with other public or private entities that have knowledge or expertise relevant to the determination.

''(b) CONTINGENT APPLICABILITY.—

''(1) IN GENERAL.—If the determination published in the Federal Register under subsection (a) is that (for purposes of such subsection) the activities involved have become routine practices, paragraph (2) applies on

and after the expiration of the 18-month period beginning on the date on which the determination is so published.

''(2) REQUIREMENT.—Subject to subsection (c), the Secretary shall not make a grant under part B to a State unless the State meets not less than one of the following requirements:

''(A) The State has in effect, in statute or through regulations, the requirements specified in paragraphs (1) through (4) of section 2673C(b).

''(B) The State demonstrates that, of the newborn infants born in the State during the most recent 1-year period for which the data are available, the HIV antibody status of 95 percent of the infants is known.

''(c) LIMITATION REGARDING AVAILABILITY OF FUNDS.—With respect to an activity described in any of paragraphs (1) through (4) of section 2673C(b), the requirements established by a State under subsection (b)(2)(A) that the activity be carried out applies for purposes of this section only to the extent that the following sources of funds are available for carrying out the activity:

''(1) Federal funds provided to the State in grants under part B.

''(2) Federal funds provided to the State in grants under section 2673C.

''(3) Funds that the State or private entities have elected to provide, including through entering into contracts under which health benefits are provided. This section does not require any entity to expend non-Federal funds.''.

SEC. 205. STATE APPLICATION.

Section 2617(b)(2) (42 U.S.C. 300ff–27(b)(2)) is amended—

(1) in subparagraph (A), by striking ''and'' after the semicolon;

(2) in subparagraph (B), by striking ''and'' after the semicolon; and

(3) by adding at the end thereof the following subparagraphs:

''(C) a description of the activities carried out by the State under section 2616; and

''(D) a description of how the allocation and utilization of resources are consistent with a statewide coordinated statement of need, developed in partnership with other grantees in the State that receive funding under this title and after consultation with individuals receiving services under this part.''.

SEC. 206. ALLOCATION OF ASSISTANCE BY STATES; PLANNING, EVALUATION, AND ADMINISTRATION.

Section 2618(c) (42 U.S.C. 300ff–28(c)) is amended—

(1) by striking paragraph (1);

(2) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively; and

(3) in paragraph (3) (as so redesignated), by adding at the end the following sentences: ''In the case of entities to which the State allocates amounts received by the State under the grant (including consortia under section 2613), the State shall ensure that, of the aggregate amount so allocated, the total of the expenditures by such entities for administrative expenses does not exceed 10 percent (without regard to whether particular entities expend more than 10 percent for such expenses).''.

SEC. 207. TECHNICAL ASSISTANCE.

Section 2619 (42 U.S.C. 300ff–29) is amended by inserting before the period the following: '', including technical assistance for the development and implementation of statewide coordinated statements of need''.

TITLE III—EARLY INTERVENTION SERVICES

SEC. 301. ESTABLISHMENT OF PROGRAM.

Section 2651(b) (42 U.S.C. 300ff–51(b)) is amended—

(1) in paragraph (1), by inserting before the period the following: '', and unless the applicant agrees to expend not less than 50 percent of the grant for such services that are specified in subparagraphs (B) through (E) of such paragraph''; and

(2) in paragraph (4), by inserting after ''nonprofit private entities'' the following: ''(or private for-profit entities, if such entities are the only available providers of quality HIV care in the area)''.

SEC. 302. MINIMUM QUALIFICATIONS OF GRANTEES.

Section 2652(b)(1)(B) (42 U.S.C. 300ff–52(b)(1)(B)) is amended by inserting after ''nonprofit private entity'' the following: ''(or a private for-profit entity, if such an entity is the only available provider of quality HIV care in the area)''.

SEC. 303. MISCELLANEOUS PROVISIONS; PLANNING AND DEVELOPMENT GRANTS.

Section 2654 (42 U.S.C. 300ff–54) is amended by adding at the end thereof the following subsection:

''(c) PLANNING AND DEVELOPMENT GRANTS.—

''(1) IN GENERAL.—The Secretary may provide planning grants, in an amount not to exceed $50,000 for each such grant, to public and nonprofit private entities for the purpose of enabling such entities to provide early intervention services.

''(2) REQUIREMENT.—The Secretary may award a grant to an entity under paragraph (1) only if the Secretary determines that the entity will use such grant to assist the entity in qualifying for a grant under section 2651.

''(3) PREFERENCE.—In awarding grants under paragraph (1), the Secretary shall give preference to entities that provide HIV primary care services in rural or underserved communities.

''(4) LIMITATION.—Not to exceed 1 percent of the amount appropriated for a fiscal year under section 2655 may be used to carry out this section.''.

SEC. 304. ADDITIONAL REQUIRED AGREEMENTS.

Section 2664(a)(1) (42 U.S.C. 300ff–64(a)(1)) is amended—

(1) in subparagraph (A), by striking ''and'' after the semicolon; and

(2) by adding at the end the following subparagraph:

''(C) evidence that the proposed program is consistent with the statewide coordinated statement of need and that the applicant will participate in the ongoing revision of such statement of need.''.

SEC. 305. AUTHORIZATION OF APPROPRIATIONS.

Section 2655 (42 U.S.C. 300ff–55) is amended by striking ''$75,000,000'' and all that follows and inserting ''such sums as may be necessary for each of the fiscal years 1996 through 2000.''.

TITLE IV—GENERAL PROVISIONS

SEC. 401. COORDINATED SERVICES AND ACCESS TO RESEARCH FOR WOMEN, INFANTS, AND CHILDREN.

(a) IN GENERAL.—Section 2671 (42 U.S.C. 300ff–71) is amended—

(1) in subsection (a), by amending the subsection to read as follows:

''(a) IN GENERAL.—

''(1) PROGRAM OF GRANTS.—The Secretary, acting through the Administrator of the Health Resources and Services Administration and in consultation with the Director of the National Institutes of Health, shall make grants to public and nonprofit private entities that provide primary care (directly or through contracts) for the purpose of—

''(A) providing through such entities, in accordance with this section, opportunities for women, infants, and children to be participants in research of potential clinical benefit to individuals with HIV disease; and

''(B) providing to women, infants, and children health care on an outpatient basis.

''(2) PROVISIONS REGARDING PARTICIPATION IN RESEARCH.—With respect to the projects of research with which an applicant under paragraph (1) is concerned, the Secretary may not make a grant under such paragraph to the applicant unless the following conditions are met:

''(A) The applicant agrees to make reasonable efforts—

''(i) to identify which of the patients of the applicant are women, infants, and children who would be appropriate participants in the projects; and

''(ii) to offer women, infants, and children the opportunity to so participate (as appropriate), including the provision of services under subsection (f).

''(B) The applicant agrees that the applicant, and the projects of research, will comply with accepted standards of protection for human subjects (including the provision of written informed consent) who participate as subjects in clinical research.

''(C) For the third or subsequent fiscal year for which a grant under such paragraph is sought by the applicant, the Secretary has determined that—

''(i) a significant number of women, infants, and children who are patients of the applicant are participating in the projects (except to the extent this clause is waived under subsection (k)); and

''(ii) the applicant, and the projects of research, have complied with the standards referred to in subparagraph (B).

''(3) PROHIBITION.—Receipt of services by a patient shall not be conditioned upon the consent of the patient to participate in research.

''(4) CONSIDERATION BY SECRETARY OF CERTAIN CIRCUMSTANCES.—In administering the requirement of paragraph (2)(C)(i), the Secretary shall take into account circumstances in which a grantee under paragraph (1) is temporarily unable to comply with the requirement for reasons beyond the control of the grantee, and shall in such circumstances provide to the grantee a reasonable period of opportunity in which to reestablish compliance with the requirement.'';

(2) in subsection (c), by amending the subsection to read as follows:

''(c) PROVISIONS REGARDING CONDUCT OF RESEARCH.—With respect to eligibility for a grant under subsection (a):

''(1) A project of research for which subjects are sought pursuant to such subsection may be conducted by the applicant for the grant, or by an entity with which the applicant has made arrangements for purposes of the grant. The grant may not be expended for the conduct of any project of research.

''(2) The grant may not be made unless the Secretary makes the following determinations:

''(A) The applicant or other entity (as the case may be under paragraph (1)) is appropriately qualified to conduct the project of research. An entity shall be considered to be so qualified if any research protocol of the entity has been recommended for funding under this Act pursuant to technical and scientific peer review through the National Institutes of Health.

''(B) The project of research is being conducted in accordance with a research protocol to which the Secretary gives priority regarding the prevention and treatment of HIV disease in women, infants, and children. After consultation with public and private entities that conduct such research, and with providers of services under this section and recipients of such services, the Secretary shall establish a list of such protocols that are appropriate for purposes of this section. The Secretary may give priority under this

subparagraph to a research protocol that is not on such list.'';

(3) by striking subsection (i);

(4) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively;

(5) by inserting after subsection (f) the following subsection:

''(g) ADDITIONAL PROVISIONS.—The Secretary may not make a grant under subsection (a) unless the applicant for the grant agrees as follows:

''(1) The applicant will coordinate activities under the grant with other providers of health care services under this Act, and under title V of the Social Security Act.

''(2) The applicant will participate in the statewide coordinated statement of need under part B (where it has been initiated by the State) and in revisions of such statement.'';

(6) by redesignating subsection (j) as subsection (m); and

(7) by inserting before subsection (m) (as so redesignated) the following subsections:

''(j) COORDINATION WITH NATIONAL INSTITUTES OF HEALTH.—The Secretary shall develop and implement a plan that provides for the coordination of the activities of the National Institutes of Health with the activities carried out under this section. In carrying out the preceding sentence, the Secretary shall ensure that projects of research conducted or supported by such Institutes are made aware of applicants and grantees under this section, shall require that the projects, as appropriate, enter into arrangements for purposes of this section, and shall require that each project entering into such an arrangement inform the applicant or grantee under this section of the needs of the project for the participation of women, infants, and children.

''(k) TEMPORARY WAIVER REGARDING SIGNIFICANT PARTICIPATION.—

''(1) IN GENERAL.—In the case of an applicant under subsection (a) who received a grant under this section for fiscal year 1995, the Secretary may, subject to paragraph (2), provide to the applicant a waiver of the requirement of subsection (a)(2)(C)(i) if the Secretary determines that the applicant is making reasonable progress toward meeting the requirement.

''(2) TERMINATION OF AUTHORITY FOR WAIVERS.—The Secretary may not provide any waiver under paragraph (1) on or after October 1, 1998. Any such waiver provided prior to such date terminates on such date, or on such earlier date as the Secretary may specify.

''(l) TRAINING AND TECHNICAL ASSISTANCE.—Of the amounts appropriated under subsection (m) for a fiscal year, the Secretary may use not more than five percent to provide training and technical assistance to assist applicants and grantees under subsection (a) in complying with the requirements of this section.''.

(b) CONFORMING AMENDMENTS.—Section 2671 (42 U.S.C. 300ff–71) is amended—

(1) in the heading for the section, by striking ''**DEMONSTRATION**'' and all that follows and inserting ''**COORDINATED SERVICES AND ACCESS TO RESEARCH FOR WOMEN, INFANTS, AND CHILDREN.**'';

(2) in subsection (b), by striking ''pediatric patients and pregnant women'' and inserting ''women, infants, and children''; and

(3) in each of subsections (d) through (f), by striking ''pediatric'', each place such term appears.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 2671 (42 U.S.C. 300ff–71) is amended in subsection (m) (as redesignated by subsection (a)(6)) by striking ''there are'' and all that follows and inserting the following: ''there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1996 through 2000.''.

SEC. 402. PROJECTS OF NATIONAL SIGNIFICANCE.

(a) IN GENERAL.—Part D of title XXVI (42 U.S.C. 300ff–71 et seq.) is amended by inserting after section 2673 the following section:

''SEC. 2673A. DEMONSTRATION PROJECTS OF NATIONAL SIGNIFICANCE.

''(a) IN GENERAL.—The Secretary shall make grants to public and nonprofit private entities (including community-based organizations and Indian tribes and tribal organizations) for the purpose of carrying out demonstration projects that provide for the care and treatment of individuals with HIV disease, and that—

''(1) assess the effectiveness of particular models for the care and treatment of individuals with such disease;

''(2) are of an innovative nature; and

''(3) have the potential to be replicated in similar localities, or nationally.

''(b) CERTAIN PROJECTS.—Demonstration projects under subsection (a) shall include the development and assessment of innovative models for the delivery of HIV services that are designed—

''(1) to address the needs of special populations (including individuals and families with HIV disease living in rural communities, adolescents with HIV disease, Native American individuals and families with HIV disease, homeless individuals and families with HIV disease, hemophiliacs with HIV disease, and incarcerated individuals with HIV disease); and

''(2) to ensure the ongoing availability of services for Native American communities to enable such communities to care for Native Americans with HIV disease.

''(c) COORDINATION.—The Secretary may not make a grant under this section unless the applicant submits evidence that the proposed program is consistent with the applicable statewide coordinated statement of need under part B, and the applicant agrees to participate in the ongoing revision process of such statement of need (where it has been initiated by the State).

''(d) REPLICATION.—The Secretary shall make information concerning successful models developed under this section available to grantees under this title for the purpose of coordination, replication, and integration.

''(e) FUNDING; ALLOCATION OF AMOUNTS.—

''(1) IN GENERAL.—Of the amounts available under this title for a fiscal year for each program specified in paragraph (2), the Secretary shall reserve 3 percent for making grants under subsection (a).

''(2) RELEVANT PROGRAMS.—The programs referred to in subsection (a) are the program under part A, the program under part B, the program under part C, the program under section 2671, the program under section 2672, and the program under section 2673.''.

(b) STRIKING OF RELATED PROVISION.—Section 2618 (42 U.S.C. 300ff–28) is amended by striking subsection (a).

SEC. 403. SPECIAL TRAINING PROJECTS.

(a) TRANSFER OF PROGRAM.—The Public Health Service Act (42 U.S.C. 201 et seq.) is amended—

(1) by transferring section 776 from the current placement of the section;

(2) by redesignating the section as section 2673B; and

(3) by inserting the section after section 2673A (as added by section 402(a)).

(b) MODIFICATIONS.—Section 2673B (as transferred and redesignated by subsection (a)) is amended—

(1) in subsection (a)(1)—

(A) by striking subparagraphs (B) and (C);

(B) by redesignating subparagraphs (A) and (D) as subparagraphs (B) and (C), respectively;

(C) by inserting before subparagraph (B) (as so redesignated) the following subparagraph:

''(A) to train health personnel, including practitioners in programs under this title and other community providers, in the diagnosis, treatment, and prevention of HIV disease, including the prevention of the perinatal transmission of the disease and including measures for the prevention and treatment of opportunistic infections;'';

(D) in subparagraph (B) (as so redesignated), by adding ''and'' after the semicolon; and

(E) in subparagraph (C) (as so redesignated), by striking ''curricula and'';

(2) by striking subsection (c) and redesignating subsection (d) as subsection (c); and

(3) in subsection (c) (as so redesignated)—

(A) in paragraph (1)—

(i) by striking ''is authorized'' and inserting ''are authorized''; and

(ii) by inserting before the period the following: '', and such sums as may be necessary for each of the fiscal years 1996 through 2000''; and

(B) in paragraph (2)—

(i) by striking ''is authorized'' and inserting ''are authorized''; and

(ii) by inserting before the period the following: '', and such sums as may be necessary for each of the fiscal years 1996 through 2000''.

SEC. 404. EVALUATIONS AND REPORTS.

Section 2674 (42 U.S.C. 300ff–74) is amended—

(1) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ''not later than 1 year'' and all that follows through ''title,'' and inserting the following: ''not later than October 1, 1996,'';

(B) by striking paragraphs (1) through (3) and inserting the following paragraph:

''(1) evaluating the programs carried out under this title; and''; and

(C) by redesignating paragraph (4) as paragraph (2); and

(2) by adding at the end the following subsection:

''(d) ALLOCATION OF FUNDS.—The Secretary shall carry out this section with amounts available under section 241. Such amounts are in addition to any other amounts that are available to the Secretary for such purpose.''.

SEC. 405. COORDINATION OF PROGRAM.

Section 2675 of the Public Health Service Act (42 U.S.C. 300ff–75) is amended by adding at the end the following subsection:

''(d) ANNUAL REPORT.—Not later than October 1, 1996, and annually thereafter, the Secretary shall submit to the appropriate committees of the Congress a report concerning coordination efforts under this title at the Federal, State, and local levels, including a statement of whether and to what extent there exist Federal barriers to integrating HIV-related programs.''.

TITLE V—ADDITIONAL PROVISIONS

SEC. 501. AMOUNT OF EMERGENCY RELIEF GRANTS.

Paragraph (3) of section 2603(a) (42 U.S.C. 300ff–13(a)(3)) is amended to read as follows:

''(3) AMOUNT OF GRANT.—

''(A) IN GENERAL.—Subject to the extent of amounts made available in appropriations Acts, a grant made for purposes of this paragraph to an eligible area shall be made in an amount equal to the product of—

''(i) an amount equal to the amount available for distribution under paragraph (2) for the fiscal year involved; and

''(ii) the percentage constituted by the ratio of the distribution factor for the eligible area to the sum of the respective distribution factors for all eligible areas.

''(B) DISTRIBUTION FACTOR.—For purposes of subparagraph (A)(ii), the term 'distribution factor' means the product of—

''(i) an amount equal to the estimated number of living cases of acquired immune deficiency syndrome in the eligible area involved, as determined under subparagraph (C); and

''(ii) the cost index for the eligible area involved, as determined under subparagraph (D).

''(C) ESTIMATE OF LIVING CASES.—The amount determined in this subparagraph is an amount equal to the product of—

''(i) the number of cases of acquired immune deficiency syndrome in the eligible area during each year in the most recent 120-month period for which data are available with respect to all eligible areas, as indicated by the number of such cases reported to and confirmed by the Director of the Centers for Disease Control and Prevention for each year during such period; and

''(ii) with respect to—

''(I) the first year during such period, .06;

''(II) the second year during such period, .06;

''(III) the third year during such period, .08;

''(IV) the fourth year during such period, .10;

''(V) the fifth year during such period, .16;

''(VI) the sixth year during such period, .16;

''(VII) the seventh year during such period, .24;

''(VIII) the eighth year during such period, .40;

''(IX) the ninth year during such period, .57; and

''(X) the tenth year during such period, .88.

''(D) COST INDEX.—The amount determined in this subparagraph is an amount equal to the sum of—

''(i) the product of—

''(I) the average hospital wage index reported by hospitals in the eligible area involved under section 1886(d)(3)(E) of the Social Security Act for the 3-year period immediately preceding the year for which the grant is being awarded; and

''(II) .70; and

''(ii) .30.

''(E) UNEXPENDED FUNDS.—The Secretary may, in determining the amount of a grant for a fiscal year under this paragraph, adjust the grant amount to reflect the amount of unexpended and uncanceled grant funds remaining at the end of the most recent fiscal year for which the amount of such funds can be determined using the required financial status report. The amount of any such unexpended funds shall be determined using the financial status report of the grantee.

''(F) PUERTO RICO, VIRGIN ISLANDS, GUAM.—For purposes of subparagraph (D), the cost index for an eligible area within Puerto Rico, the Virgin Islands, or Guam shall be 1.0.''.

SEC. 502. AMOUNT OF CARE GRANTS.

Section 2618 (42 U.S.C. 300ff–28), as amended by section 402(b), is amended by striking subsection (b) and inserting the following subsections:

''(a) AMOUNT OF GRANT.—

''(1) IN GENERAL.—Subject to subsection (b) (relating to minimum grants), the amount of a grant under this part for a State for a fiscal year shall be the sum of—

''(A) the amount determined for the State under paragraph (2); and

''(B) the amount determined for the State under paragraph (4) (if applicable).

''(2) PRINCIPAL FORMULA GRANTS.—For purposes of paragraph (1)(A), the amount determined under this paragraph for a State for a fiscal year shall be the product of—

''(A) the amount available under section 2677 for carrying out this part, less the reservation of funds made in paragraph (4)(A) and less any other applicable reservation of funds authorized or required in this Act (which amount is subject to subsection (b)); and

''(B) the percentage constituted by the ratio of—

''(i) the distribution factor for the State; to

''(ii) the sum of the distribution factors for all States.

''(3) DISTRIBUTION FACTOR FOR PRINCIPAL FORMULA GRANTS.—For purposes of paragraph (2)(B), the term 'distribution factor' means the following, as applicable:

''(A) In the case of each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico, the product of—

''(i) the number of cases of acquired immune deficiency syndrome in the State, as indicated by the number of cases reported to and confirmed by the Secretary for the 2 most recent fiscal years for which such data are available; and

''(ii) the cube root of the ratio (based on the most recent available data) of—

''(I) the average per capita income of individuals in the United States (including the territories); to

''(II) the average per capita income of individuals in the State.

''(B) In the case of a territory of the United States (other than the Commonwealth of Puerto Rico), the number of additional cases of such syndrome in the specific territory, as indicated by the number of cases reported to and confirmed by the Secretary for the 2 most recent fiscal years for which such data is available.

''(4) SUPPLEMENTAL AMOUNTS FOR CERTAIN STATES.—For purposes of paragraph (1)(B), an amount shall be determined under this paragraph for each State that does not contain any metropolitan area whose chief elected official received a grant under part A for fiscal year 1996. The amount determined under this paragraph for such a State for a fiscal year shall be the product of—

''(A) an amount equal to 7 percent of the amount available under section 2677 for carrying out this part for the fiscal year (subject to subsection (b)); and

''(B) the percentage constituted by the ratio of—

''(i) the number of cases of acquired immune deficiency syndrome in the State (as determined under paragraph (3)(A)(i)); to

''(ii) the sum of the respective numbers determined under clause (i) for each State to which this paragraph applies.

''(5) DEFINITIONS.—For purposes of this subsection and subsection (b):

''(A) The term 'State' means each of the 50 States, the District of Columbia, and the territories of the United States.

''(B) The term 'territory of the United States' means each of the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, and the Republic of the Marshall Islands.

''(b) MINIMUM AMOUNT OF GRANT.—

''(1) IN GENERAL.—Subject to the extent of the amounts specified in paragraphs (2)(A) and (4)(A) of subsection (a), a grant under this part for a State for a fiscal year shall be the greater of—

''(A) the amount determined for the State under subsection (a); and

''(B) the amount applicable under paragraph (2) to the State.

''(2) APPLICABLE AMOUNT.—For purposes of paragraph (1)(B), the amount applicable under this paragraph for a fiscal year is the following:

''(A) In the case of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico—

''(i) $100,000, if it has less than 90 cases of acquired immune deficiency syndrome (as determined under subsection (a)(3)(A)(i)); and

''(ii) $250,000, if it has 90 or more such cases (as so determined).

''(B) In the case of each of the territories of the United States (other than the Commonwealth of Puerto Rico), $0.0.''.

SEC. 503. CONSOLIDATION OF AUTHORIZATIONS OF APPROPRIATIONS.

(a) IN GENERAL.—Part D of title XXVI (42 U.S.C. 300ff–71) is amended by adding at the end thereof the following section:

''SEC. 2677. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—For the purpose of carrying out parts A and B, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1996 through 2000. Subject to section 2673A and to subsection (b), of the amount appropriated under this section for a fiscal year, the Secretary shall make available 64 percent of such amount to carry out part A and 36 percent of such amount to carry out part B.

''(b) DEVELOPMENT OF METHODOLOGY.—With respect to each of the fiscal years 1997 through 2000, the Secretary may develop and implement a methodology for adjusting the percentages referred to in subsection (a).''.

(b) REPEALS.—Sections 2608 and 2620 (42 U.S.C. 300ff–18 and 300ff–30) are repealed.

(c) CONFORMING AMENDMENTS.—Section 2605(d)(1) (as redesignated by section 105(3)), is amended by striking ''2608'' and inserting ''2677''.

SEC. 504. ADDITIONAL PROVISIONS.

(a) DEFINITIONS.—Section 2676(4) (42 U.S.C. 300ff–76(4)) is amended by inserting ''funeral-service practitioners,'' after ''emergency medical technicians,''.

(b) MISCELLANEOUS AMENDMENT.—Section 1201(a) (42 U.S.C. 300d(a)) is amended in the matter preceding paragraph (1) by striking ''The Secretary,'' and all that follows through ''shall,'' and inserting ''The Secretary shall,''.

(c) TECHNICAL CORRECTIONS.—Title XXVI (42 U.S.C. 300ff–11 et seq.) is amended—

(1) in section 2601(a), by inserting ''section'' before ''2604'';

(2) in section 2603(b)(4)(B), by striking ''an expedited grants'' and inserting ''an expedited grant'';

(3) in section 2617(b)(3)(B)(iv), by inserting ''section'' before ''2615'';

(4) in section 2618(b)(1)(B), by striking ''paragraph 3'' and inserting ''paragraph (3)'';

(5) in section 2647—

(A) in subsection (a)(1), by inserting ''to'' before ''HIV'';

(B) in subsection (c), by striking ''section 2601'' and inserting ''section 2641''; and

(C) in subsection (d)—

(i) in the matter preceding paragraph (1), by striking ''section 2601'' and inserting ''section 2641''; and

(ii) in paragraph (1), by striking ''has in place'' and inserting ''will have in place'';

(6) in section 2648—

(A) by converting the heading for the section to boldface type; and

(B) by redesignating the second subsection (g) as subsection (h);

(7) in section 2649—

(A) in subsection (b)(1), by striking ''subsection (a) of''; and

(B) in subsection (c)(1), by striking ''this subsection'' and inserting ''subsection'';

(8) in section 2651—

(A) in subsection (b)(3)(B), by striking ''facility'' and inserting ''facilities''; and

(B) in subsection (c), by striking ''exist'' and inserting ''exists'';

(9) in section 2676—

(A) in paragraph (2), by striking ''section'' and all that follows through ''by the'' and inserting ''section 2686 by the''; and

(B) in paragraph (10), by striking ''673(a)'' and inserting ''673(2)'';

(10) in part E, by converting the headings for subparts I and II to Roman typeface; and

(11) in section 2684(b), in the matter preceding paragraph (1), by striking ''section 2682(d)(2)'' and inserting ''section 2683(d)(2)''.

TITLE VI—EFFECTIVE DATE

SEC. 601. EFFECTIVE DATE.

Except as provided in section 101(a), this Act takes effect October 1, 1995.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. BILIRAKIS] will be recognized for 20 minutes, and the gentleman from California [Mr. WAXMAN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. BILIRAKIS].

Mr. BILIRAKIS. Mr. Speaker, I yield myself such time as I may consume.

(Mr. BILIRAKIS asked and was given permission to revise and extend his remarks.)

Mr. BILIRAKIS. Mr. Speaker, H.R. 1872, as amended, exemplifies a true bipartisan effort which included Chairman TOM BLILEY, Ranking Minority Member JOHN DINGELL, Subcommittee Ranking Minority Member HENRY WAXMAN, and myself. The bill before us represents the bill as reported out of the Commerce Committee with technical and clarifying changes and an amendment negotiated by Congressmen COBURN and WAXMAN regarding HIV testing of newborns.

The Ryan White Care Act was first enacted into law in 1990 to provide emergency relief to areas hardest hit by the AIDS epidemic and to provide essential health services to individuals afflicted by HIV and AIDS. This reauthorization has provided the first opportunity to evaluate how the program is working. Generally, I believe the program is working as intended. The bill before us makes modifications and clarifications to respond to the changes in the AIDS epidemic over the last 5 years.

Some of the key provisions of H.R. 1872 include: Modifications to both the title I and title II formulas; conflict of interest provisions for title I planning councils; priority for supplemental grants to areas with greater prevalence of specified comorbidity factors; and limits on administrative costs. In addition, the bill includes a requirement that all four titles contribute 3 percent to the Projects of National Significance; clarification that the intent of title IV is to increase the number of women and children in clinical research projects; transfer of the dental reimbursement program from title 7 of the Public Health Service Act; and reauthorization of all programs at such sums through fiscal year 2000.

Clearly, one of the most difficult issues we faced was the funding formulas for title I and II. Because of the spread of HIV across the country, some States were seeing significant increases in their number of HIV–AIDS cases but did not have any one area with enough cases to qualify as an eligible metropolitan area. Our goal was to provide these States with very needed additional funds without shifting large amounts of money from other States with a high percentage of AIDS cases. We tried to balance the need for additional money with our concern that services currently being provided to people with AIDS not be disrupted. The bill ensures that all States will receive at least the current dollar amount appropriated to them. And many States will receive increases over what they are currently receiving—no State will lose money.

I urge my colleagues to support H.R. 1872, but, before I reserve the balance of my time, at this point I would like to express my appreciation to the staffs, the staff of the majority of the subcommittee, Melody Harned, and also to the staff of the gentleman from California [Mr. WAXMAN] and other people who helped us to craft this very, very needed bill and to handle the controversy, if I can call it that, that involved the testing of newborns.

Mr. Speaker, I reserve the balance of my time.

Mr. WAXMAN. Mr. Speaker, I yield myself such time as I may consume.

(Mr. WAXMAN asked and was given permission to revise and extend his remarks.)

Mr. WAXMAN. Mr. Speaker, I rise in support of the motion to suspend the rules, and I urge my colleagues to support the bill. The bill has passed the Senate, was reported by the Commerce Committee unanimously, and it should be acted on expeditiously by the House.

The Ryan White program was originally enacted in 1990 to respond to the crisis in AIDS health services in America's cities and States, and in its clinics and hospitals. This act has been a great success.

Outpatient services are now available as an alternative to expensive hospital care; prescription drugs are provided to people who have no other source of coverage; early intervention treatments can be given to keep people healthy longer; and, effective service programs for mothers and children are up and running, programs which also coordinate their activities with research organizations to assure that appropriate research opportunities are available to their clients.

This law has improved health care for people with AIDS and HIV all over the country.

This bill renews the authorization for these successful programs and fine tunes the response to the new and changing needs of the epidemic. I'm especially pleased to say that this legislation, and the committee report that accompanies it, emphasize those basic services that people with HIV need most—the services that slow the progress of the disease, that prevent opportunistic infections, and that meet basic primary care needs—and that it targets assistance to those people least likely to be able to afford such services themselves. At a time when funding will continue to be limited, it is important that all services programs focus on the primary care of people with HIV.

This legislation does contain some controversial items. The inevitable disputes over formulas among cities and States appear here, as they have done and will continue to do in so much legislation before this Congress. The formulas contained in this bill represent a good faith effort to provide basic care to all Americans with HIV, and this bill is a balanced political compromise.

In addition, this legislation contains compromise provisions regarding the testing of newborns that I have worked out with the gentleman from Oklahoma [Mr. COBURN]. Although the so-called Coburn-Waxman amendment bears my name, I do have many reservations about this provision, as, I am sure, does the gentleman from Oklahoma. It deals with an issue about which there are profound differences in approach, which cannot be smoothed over. However, I believe the compromise approach embodied in this bill is necessary to move the Ryan White reauthorization forward and I urge Members to support it today.

Let me be clear at the outset: We do not disagree about the ultimate goals here. Mr. COBURN and I both want to reduce the number of HIV infections passed from mother to infant, and we have agreed that the most effective means of achieving that goal is counseling and voluntary testing of pregnant women. This agreement is reflected in the findings of the Coburn-Waxman provisions.

Mr. COBURN and I also agree that we want to reduce the rate of preventable pneumonia and other illnesses among HIV-infected infants and to improve their health care. Where we have differences is the most effective way of achieving the goal.

During the committee's consideration of this bill, an amendment was offered by Mr. COBURN that would have required all States to initiate the mandatory testing of all newborns immediately. I opposed that amendment, as did a wide variety of health and medical groups. I asked the gentleman from Oklahoma to withdraw his amendment and to work with me to produce an amendment that would provide alternatives to the mandatory approach.

I am gratified to say that he was willing to do so and that our staffs have worked since that time to come to some agreement. The provisions reflected in this bill are the product of that work.

This provision is not perfect by any means. As I say, I have serious concerns about its possible effects.

I believe that voluntary programs of HIV testing of infants would result in more infants receiving the care needed

to prevent pneumonia and improve their health.

I believe that mothers who are highly encouraged to have their babies tested will be better partners in the lifelong medical care of these children than will mothers who are required to do so.

And I remain very concerned that the emphasis on newborn testing will divert attention and resources from the more important goal of encouraging pregnant women to be tested themselves in time to provide care that will reduce the chance that the baby will be infected.

But I believe that the Coburn-Waxman amendment is a significant improvement over other proposals that have been considered. This provision postpones requirements that a State mandatorily test all newborns until a time when it is agreed such mandatory testing is the recommended standard of medical care. Some believe that day will inevitably come, but, at this time, virtually all medical groups oppose the practice.

The provision also gives States 2 years to develop effective alternatives to mandatory testing. If, after that time, mandatory testing is determined to be the routine of practice and if the State is not reaching most of its infants, the State will have up to 18 months to enact a mandatory testing law.

I support the Coburn-Waxman amendment as far preferable to the alternative of an immediately effective requirement of mandatory testing. I thank the gentleman from Oklahoma for his willingness to work with me on this more flexible approach.

I also want to take this moment to remind my colleagues why this action is taking place. Over the past year, new research developments have made it possible to prevent pneumonia and other diseases in newborns. That is why the question of testing babies is being debated and legislated about.

In addition, there have been research breakthroughs that are truly good news about the possibility of reducing HIV transmission from mother to child. That is what the findings of this bill are about, stating that voluntary prenatal testing should be the standard of care. This is not about testing newborns, but it has often been discussed in the same breath.

But both of these possibilities—preventing HIV through prenatal services and preventing disease in infected newborns through early intervention services—require services. Testing is not the answer; medical care is. Testing without care will make no difference. Testing without treatment is a cruel hoax on everyone concerned.

And, in truth, most of the care for HIV-infected pregnant women and children come from one source—Medicaid. I hope that as my colleagues move to reshape the Medicaid Program, that they will remember that there are services that we can all agree should be available to poor people.

Many of my colleagues, from both sides of the aisle, support the Coburn-Waxman amendment that may require States to provide testing of newborns if it is determined to be the medical standard of care. I hope that their enthusiasm for testing will be reflected in equal enthusiasm for assuring that the health care services are paid for.

Finally, the Coburn-Waxman amendment includes provisions about health insurance. These provisions repeat the protections that the Americans With Disabilities Act provides for people with any disability, in any employment setting. It was believed to be appropriate to repeat these protections here so that anyone concerned that HIV testing would be used inappropriately could see the testing provision and the protection in one place.

In addition, the provision describes how insurers may respond if fraud was committed. It is my clear understanding that this provision does not override any ADA, State law, or NAIC provisions that limit what may be asked for a person seeking insurance or holding insurance. These provisions are included to provide clear consumer protection and to allow insurers to respond appropriately if there is fraud in the answering of a permissible question. For instance, the National Association of Insurance Commissioners and many States have regulations restricting what can be asked of a person who is insured or seeking insurance. The insurance provisions of the Coburn-Waxman amendment provide additional protection for these consumers and are not intended to undo the NAIC and State actions.

In conclusion, I would note for my colleagues that this bill was reported from the Commerce Committee unanimously. Whatever the differences among us on other issues, we have come together to reauthorize this program of AIDS health care services and to assure those who depend on it that it will continue. I urge my colleagues to do so today.

Finally I would like to thank the staff involved for their diligent work on this important bill. Karen Nelson, Kay Holcombe, Melody Harned, Mark Agrast, Roland Foster, and Peter Goodloe have put in many long hours on this legislation and I want to express my appreciation to them.

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Mr. BILIRAKIS. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from North Carolina [Mr. BURR].

Mr. BURR. Mr. Speaker, I rise today to offer support for the passage of the Ryan White CARE Act. I strongly support the intent of this legislation, but have some strong concerns about the inequitable distribution of funds to non-title I areas.

Currently, there is a 15 percent increase in the incidence of AIDS in rural areas. This is far greater than the 5 percent increase in cities of more than 50,000. I believe that we must address the serious problems associated with AIDS in all pockets of this country, not just the ones that are most visible. It is for this reason that I support inclusion of the Senate passed title II distribution formula.

By adopting the Senate title II formula, the conference committee has an opportunity to put a stop to unfair double counting. In effect, double counting places a higher priority on the needs of AIDS patients in 42 metropolitan areas than it does the needs of AIDS victims across the rest of America. After all, who are we to geographically prioritize the value of American lives.

As I have become more familiar with the horrors of this disease, I am acutely aware of the need for AIDS funding, and I appreciate the efforts of the chairman to craft a bill which addresses this growing concern. I hope that the conference committee will go one step further by adopting a title II formula which looks to the needs of all AIDS victims, and helps to prevent the spread of this dreadful disease in both urban and rural areas.

Mr. Speaker, I along with other Members of the Commerce Committee, urge this body to support the reauthorization. I encourage the chairman and the ranking minority member to fight in Congress for the Senate formula so that all areas of this country can be represented.

Mr. WAXMAN. Mr. Speaker, I yield 2 minutes to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding me time. I rise in support of the reauthorization of the Ryan White Care Act, and in doing so commend the gentleman from Florida, Chairman BILIRAKIS, and the gentleman from California, the ranking member, Mr. WAXMAN, for their leadership in bringing this bill today to the Floor in a bipartisan fashion.

Originally enacted in 1990, with strong bipartisan support then, this program provides assistance for health care with people with AIDS. Congress should take great pride in its actions in regard to the Ryan White CARE Act, both in the past 5 years and in the legislative activity that is happening today.

The Ryan White program provides vital grants to metropolitan areas with high numbers of AIDS cases for outpatient health care and social services. In the coming year, 49 cities will receive direct emergency assistance through a formula grant, and will be eligible to compete for supplemental funds to assist with meeting the health care needs of people with AIDS.

Mr. Speaker, as Chairman BILIRAKIS mentioned in his opening remarks, the Ryan White program also provides comprehensive care grants to states for the operation of HIV service delivery consortia in localities most heavily affected, for the provision of home and

community-based care, for the continuation of insurance coverage for infected persons, and for purchase of therapeutic drugs.

In addition, the Ryan White CARE Act provides grants to community, migrant and homeless health centers, family granting grantees, hemophilia centers and other nonprofit entities that provide comprehensive primary care services to people with AIDS or population at increased risk for HIV inspection.

Mr. Speaker, separate grants are also made to foster collaboration between clinical research institutions and primary community-based medical and social service providers for the target population of HIV infected children, pregnant women, and their families.

Mr. Speaker, since 1981, my community of San Francisco has reported 22,000 cases of AIDS. Imagine if this happened in your district, my colleagues; 14,600 deaths. You can see how grateful we are to the leaders of the committee for this as well as the fact that this is a national tragedy. We do not want our colleagues to experience the tragedy we have had in our community.

I commend our colleagues for their leadership in bringing this to the floor and laying the foundation for a compromise on other issues.

Mr. BILIRAKIS. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin [Mr. GUNDERSON].

(Mr. GUNDERSON asked and was given permission to revise and extend his remarks.)

Mr. GUNDERSON. Mr. Speaker, let me begin by saying a special thank you to the gentleman from Florida, Chairman BILIRAKIS, to the gentleman from Virginia, Chairman BLILEY, to the gentleman from California, Mr. WAXMAN, and others for bringing up this legislation today. it is essential we pass this before the end of the month, and, obviously, that time clock is ticking.

Mary Fisher, an active well-known Republican who spoke so eloquently to the Nation at the Republican National Convention in 1992 talks often about pilgrims in the road to AIDS. Today each one of us, in our own small way, are able to be one of those pilgrims. We are about to do a small part in this fight.

We have learned a lot as we deal with the reauthorization of Ryan White. We have learned that the cure is much harder to find, the services are much harder to fund, and that the fighters, the pilgrims in this fight, are much more tired than they were 4 or 5 years ago. Recognizing all of that, I think we have also learned in this reauthorization that AIDS is no longer unique to big cities. It is no longer unique to the gay community. It is no longer unique just to the low income. It touches everybody in a different way.

Mr. Speaker, my guess is that every person on Capitol Hill in some way, shape or form has been touched by AIDS. We have either known a family member, a friend, or a coworker who either has lost their life or is presently suffering from this disease. Just yesterday in Wisconsin over 10,000 people marched, the largest ever in the State of Wisconsin, in their AIDS walk. This coming Saturday, here in Washington, DC, the AIDS walk will be held again, and many people, myself included, will join that effort at a time when our Nation's Capital is more challenged by resources to fight AIDS than ever before in its history.

And so, Mr. Speaker, this year, as we reauthorize Ryan White, we do not just continue the programs, but we recognize that rural America, that small States as well as big cities and populace areas, all have been touched by AIDS and the funding formulas need to and do recognize that. My home State of Wisconsin, under this funding formula will receive over $600,000 more annually than they have under the previous act.

As we pass this legislation, let us remember, as Mary Fisher so eloquently has said, we are all pilgrims in the road to AIDS. Each of us today has a chance in a small way to do our part.

Mr. WAXMAN. Mr. Speaker, I yield 7 minutes to the gentleman from New York [Mr. ACKERMAN].

(Mr. ACKERMAN asked and was given permission to revise and extend his remarks.)

Mr. ACKERMAN. Mr. Speaker, I rise today in the strongest of support for H.R. 1872, the Ryan White CARE Act amendments of 1995. By adopting this legislation today, we can stop sending women and infants home from the hospital without knowing their HIV status. Language included in this bill for the first time would require all newborns in America to be tested for HIV if the infant's mother was not voluntarily tested during her pregnancy.

Mr. Speaker, H.R. 1872 encourages voluntary HIV counseling, testing, and treatment of pregnant women as recommended by the Centers for Disease Control and forbids insurance companies for terminating the insurance of anybody who undergoes tests for AIDS.

I want to pay special tribute today to the gentleman from Virginia, Chairman BLILEY, and the gentleman from Michigan, Mr. DINGELL, the gentleman from Florida, Chairman BILIRAKIS, the gentleman from California, Mr. WAXMAN, and especially the gentleman from Oklahoma, Dr. COBURN, for his tireless efforts on behalf of this legislation.

Mr. Speaker, make no mistake about it, with regard to this aspect of the legislation, there is not a person that I have met who does not prefer to encourage every pregnant woman in America to voluntarily be tested, to know her HIV status so that she might be treated with AZT, so that in at least 65 percent of the cases the in utero transmission of the virus will not be passed on to the yet-to-be-born child. This has been a national tragedy, Mr. Speaker. For years our country has been testing newborn infants anonymously to determine whether or not they have their mother's antibodies for HIV and then allowing those infants and mothers to go home from the hospital, never being told that the child tested positive, never allowing that child, that newborn infant, to access the medical system so that his or her young life might be made a little bit more comfortable.

Usually, the first time that that mother, whose child had been tested for six or seven other kinds of diseases, such as hepatitis B, or syphilis, or so many other things, was told that the child tested positive to anything that the States required testing for but we were silent, absolutely silent if the child tested positive for the mother's antibodies to HIV, that mother thought she was taking home an otherwise healthy child, the next time that that child often appeared in the health care system was when he or she began dying of AIDS. That is absolutely unconscionable.

And that test, Mr. Speaker, has now been stopped. But we must deal with this problem, the problem of transmission to thousands of young lives, newborn infants. And how do we do that? First, we try to get the mothers to undergo voluntary testing. But in some cases the mothers do not volunteer. We are all hopeful there will be 100 percent who would be willing to know what their status is and what the status of their newborn infant is, but that does not happen. Some mothers show up at the health care system the very first time when she is about to deliver. Other mothers, for whatever reasons, decide they do not want to know themselves and refuse testing.

What happens to the children of those mothers should they be condemned to death? Should not somebody be advocating for those young people? If their mothers are not advocating for them, who will act in loco parentis? For the first time, Mr. Speaker, we address that problem, and, hopefully, it will be a very, very small percentage, because those mothers will undergo voluntary counseling and testing.

What we do in this legislation, which this House should be so proud of, is we take all of those infants whose mother's status is not known, which is, hopefully, a very small number, and make sure that they get tested. Some have advocated that the mother has a right to privacy, and in testing the child we have inadvertently or deliberately tested the mother to determine her status, and that the mother has a right to remain ignorant of her status if she so chooses. That may be so, but the child has a right to live.

In this complex and complicated society, so often rights conflict. We must make tough decisions, and we have made this decision before, certainly in the case of those mothers, in those cases where a family has their own religious beliefs and does not believe in

medical intervention and their religion calls for the divine intervention instead. If the life of the child is threatened and the mother refuses to allow the medical community to assist the child because of her religion, we have made the decision that the life of the child takes precedence. Every ethical panel has made that decision. Certainly if the right of the child to survive is more important than the constitutional right of freedom of religion, certainly it is equally important as the mother's right to remain ignorant.

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We deal with this problem squarely in this legislation. And I want to caution this House, because this legislation has been brought together by people who are liberals and conservatives, Republicans and Democrats, parents and not, people of good will, but this should not be just delivering the mother a death certificate and saying, ''Your child is ill and is going to die.''

There is no substitution for care. There is no substitution for treatment. There is no substitution for the kind of resources this Nation is going to have to put behind any effort to eliminate and eradicate this dreaded disease. I urge all of our colleagues in the House to support this legislation. For the very first time since the Ryan White bill has been enacted in this House, we deal with the problem of those newest of Americans, those newborn citizens, who before had no access to the health care system, had no access to Ryan White money, and we treat them the same as if they were anybody else. I think that is pretty important.

Mr. Speaker, I thank all of those who have worked on this legislation, and urge strongly passage of this bill.

Mr. BILIRAKIS. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. FOLEY].

Mr. FOLEY. Mr. Speaker, I thank the gentleman from Florida for yielding and for his leadership on this issue.

Mr. Speaker, I rise in support of the Ryan White Care Act amendments of 1995. I stress that the Ryan White Care Act as been passed by the Senate 97 to 3.

Since its enactment in 1990, the CARE Act has been a vital lifeline of comprehensive medical and support services for Americans living with HIV and AIDS.

While progress has been made in educating citizens about this deadly disease, the statistics are grim: AIDS has become the leading killer of young men and women between the ages of 25 and 44.

Regrettably, one American becomes infected with HIV every 15 minutes and is spreading most rapidly among women, adolescents and within minority communities.

My home district of Florida has been severely devastated by this deadly disease, with the city of West Palm Beach having the second highest case rate of HIV infections in females.

AIDS also hits the minority communities especially hard, with African-Americans in Palm Beach County being 10 times more likely to be infected with HIV than whites.

Mr. Speaker, it is important we continue the educational process. It is important that we stress to our youth in America that abstinence is the only way to preserve and protect yourself.

Mr. Speaker, it is critical we preserve the partnership we have carved between the Federal, State, and local governments in the fight against AIDS.

Through the cooperation of private and public efforts on all levels, the CARE Act has been instrumental in helping meet the emergency medical and support needs of communities impacted by the AIDS epidemic.

These funds all provide needed assistance to help keep thousands of men, women, and children affected by AIDS healthy and living longer.

Since the CARE Act is set to expire on September 30, 1995, reauthorization is urgent to ensure there is no disruption in services for those suffering with AIDS across the country.

Mr. Speaker, I ask my colleagues to join me in support of the Ryan White CARE Act—it is a vital national investment for all Americans.

Ms. WOOLSEY. Mr. Speaker, with AIDS now the leading killer of Americans between the ages of 25 and 44, it is more important than ever that we move forward, and do not retreat, in the fight against AIDS. To that end, swift reauthorization of the Ryan White CARE Act is crucial.

The district I represent in California, Marin and Sonoma Counties, is one of the hardest hit by the AIDS epidemic. In fact, it has one of the highest incidence of HIV infection for a suburban/rural area in the country. While communities in my district have developed HIV/AIDS care and prevention systems that are a model for the Nation, they simply cannot do it on their own. That is why the care and services funded under the Ryan White CARE Act are essential to the men, women, children, and families living with HIV and AIDS in Marin and Sonoma Counties, CA, and in every community in this Nation.

The CARE Act has proven to be highly successful at delivering quality AIDS-related care in cost-effective home and community-based settings, rather than in expensive emergency rooms and acute care hospital settings. It keeps people healthy, and lets them live and die with dignity in their homes, thus reducing the amount that State and Federal Governments spend on Medicaid.

Mr. Speaker, any way you look at it, the Ryan White CARE Act is a wise national investment that must be continued. I urge the House to renew its commitment to the fight against AIDS by giving the Ryan White CARE Act reauthorization the widespread and bipartisan support it deserves.

Mr. STUDDS. Mr. Chairman, as a cosponsor of H.R. 1872, I rise to express my strong support for the bill.

Some 5 years ago, I joined with colleagues on both sides of the aisle in passing the Ryan White Care Act. Since then, this legislation has been a lifeline to hundreds of thousands of people in States and communities across the United States.

Since then, AIDS has become the primary cause of death of men and women in the prime of their lives. Nearly half a million cases have been reported to the Center for Disease Control and Prevention, and nearly half that number have died since the first case was formally recognized in the early 1980's.

Included in those grim statistics are two former Members of this House and many members of our families and our official family.

Notwithstanding the recent comments of some public figures, most of us now recognize that the AIDS virus is indifferent to the social boundaries which separate us from one another. It does not discriminate by race or creed or sexual orientation—or even by party affiliation.

Most of us understand that this is one of those occasions which require us to put aside our differences and deal thoughtfully and humanely with a crisis that affects us all.

The effort to reauthorize this legislation has been a long and difficult process. It has been, from first to last, a bipartisan effort, and I commend Chairman BLILEY, the ranking member, Mr. DINGELL, our subcommittee chairman, Mr. BILIRAKIS, and the ranking member, Mr. WAXMAN, for all they have done to bring the bill to the floor.

I urge my colleagues to join together in that spirit to pass the bill and send it to conference at the earliest possible date.

Mrs. MINK of Hawaii. Mr. Speaker, today I rise in strong support of H.R. 1872, the reauthorization of the Ryan White CARE Act. This legislation has proven to be successful in helping those with HIV/AIDS receive adequate health care.

Over the past 14 years we have watched helplessly as this disease was transformed from that of an unknown virus into a killer of epidemic proportions. We all know the numbers. AIDS has now infected over 400,000 Americans. It has become the leading killer of all Americans ages 25–44. My own State of Hawaii has had over 1,400 total AIDS cases, 250 of which were reported over the past year. As striking as these numbers may be, they only tell a small part of the story.

AIDS is unlike any other disease we have ever encountered. In addition to having to deal with the day-to-day effects of their condition, AIDS victims must also confront daily discrimination brought on by fear and lack of awareness. Unlike cancer and heart disease which primarily occur later in life, AIDS usually strikes its victims in their prime. As a result, they are robbed of their quality of life, they are robbed of their opportunity to reach their full potential as productive members of society, and their Nation is robbed of a group of individuals at an age when they are most likely to contribute to our economy, to our work force and to our communities. I firmly believe that the Federal Government must step forward to offer the strongest possible response to this terrible epidemic.

Prior to 1990, most Federal AIDS funding went toward research programs with the hope of learning more about the disease. Health care costs for treating AIDS have been rising astronomically. As a result, AIDS has also become detrimental to its victims from an economic standpoint. It was not until the implementation of the Ryan White CARE Act that money was first made available to help treat the victims of this deadly disease. Since that

time we have helped provide essential treatment and services for needy AIDS patients with resounding success.

I would like to take this opportunity to express my concern over the language being proposed by my colleague from Oklahoma regarding mandatory testing of newborns. I firmly believe that we must test for this disease as soon as possible. The sooner we can detect the virus in newborns, the higher a quality of life they can expect to lead. In fact, if we can treat an infected mother with AZT prior to pregnancy, we reduce the risk of transmitting the virus to the infant by almost one-third. However, I question whether or not we can accomplish this by simply mandating testing. Mandatory testing violates the civil liberties of the woman and may produce the opposite response by driving them out of medical care. We need to take into account the psychological ramifications of this disease by implementing testing methods which are not as coercive. This can be accomplished by working with these women to offer them adequate counseling and voluntary testing.

I adamantly urge my colleagues to vote to reauthorize this most important program. While we must be sure to allocate adequate resources for AIDS research and prevention, we must also be sure to do all that we can to help lessen the burden on those already infected with the virus. We took a huge step forward 5 years ago toward this goal by passing the Ryan White CARE Act. This program has successfully helped needy AIDS victims attain sufficient treatment. We need to reauthorize this vital program, and we need to do it in a timely matter to ensure that none of these critical services are interrupted.

Mrs. MORELLA. Mr. Speaker, I rise in support of H.R. 1872, the Ryan White CARE Act reauthorization bill. I am a cosponsor of this legislation, and I want to particularly thank subcommittee Chairman MICHAEL BILIRAKIS, Mr. WAXMAN, and the other members of the subcommittee and full committee for their efforts to bring this bill to the House floor without further delay. H.R. 1872 was approved by the committee by a unanimous vote, and the bill has been cosponsored by a diverse, bipartisan group of Members.

The CARE Act provides medical care to more than 350,000 people living with HIV/AIDS. Under the Act, local communities make the decisions as to how funding should be allocated, in a manner consistent with this Congress' efforts to give States and localities greater control. It is critical that we pass this bill today and approve a final reauthorization bill as soon as possible.

The funding formula in H.R. 1872, while far from perfect, is an improvement over the Senate version of the bill. I again thank the chairman and members of the subcommittee for working to improve the Senate formula, and I will be working to ensure that the House funding formula prevails in conference.

In regard to the issue of HIV testing for infants and pregnant women, I have serious concerns with any attempt to impose mandatory testing. While I certainly share the view that we must do everything possible to reduce perinatal transmission of HIV, I believe that we have to try to distance ourselves from the emotions and create policies that will truly save women and their children.

The most effective way to prevent perinatal HIV transmission is to prevent women from becoming infected in the first place. So far we have failed to effectively reach out to women and inform them of their risks for HIV and its potential impact on their lives. For this reason, I have introduced legislation since 1990 targeting prevention efforts to women. And my colleague from California, Congresswoman PELOSI, worked tirelessly with CDC to craft the HIV Community Planning process to ensure that HIV prevention funding is targeted to the particular needs of local communities and that prevention plans are developed and implemented by community-based organizations that know best what works for the specific populations they serve.

In addition, the CDC guidelines for routine counseling and voluntary, confidential testing of pregnant women will provide access to early interventions that will actually prevent perinatal transmission, and link them to HIV care and services. Most medical and public health groups support a voluntary testing policy. During the subcommittee hearing in May, representatives of the American Academy of Pediatrics and the American College of Obstetricians and Gynecologists testified in support of a voluntary testing policy.

Preserving a patient-provider relationship of trust is essential to keeping women in the health care system. And, clearly, it is women who have the greatest investment in the health and well-being of their children. Many voluntary counseling and testing programs exist, at Harlem Hospital and others; the physicians who run these programs will tell you that it is because the testing is voluntary that they are successful. In these programs, most all women, after talking with their provider, will choose testing and the treatment recommended by their provider. We should devote our resources to replicating these models, rather than to efforts that will do nothing to prevent perinatal transmission.

Despite my strong reservations with the House testing provision, I urge my colleagues to vote in favor of H.R. 1872. We must move quickly to reauthorize this critical program providing medial care to all people living with HIV/AIDS.

Mr. OWENS. Mr. Speaker, some of the most passionate letters that I have received come from my constituents concerned with the fate of the Ryan White Comprehensive AIDS Resources Emergency [CARE] Act (H.R. 1872). Today, hundreds of thousands of people are breathing sighs of relief as we finally reauthorize the Ryan White CARE Act, the bedrock of Federal comprehensive assistance for women, men and children living with the HIV or AIDS virus.

As my colleagues and I consider this significant legislation, it is crucial that we do not diminish the crisis that currently exists. It is a chilling reality that AIDS has etched a place in history as the disease that has taken the lives of more Americans in the United States than all of the wars combined since the Civil War. I appeal to all to remember that AIDS is not a distant nightmare relegated only to those communities and individuals who behave irresponsibly.

We must remember AIDS is now the leading cause of death for individuals between the ages of 25 and 44. Since AIDS was first identified in the 1980's, one-half million individuals have been diagnosed. Tragically, one-half of those, or 250,000 people, have died. According to the Centers for Disease Control, between 800,000 and 1 million Americans are currently HIV infected; and close to 100 Americans will die from the disease each day.

Our urban epicenters have become depositories for AIDS/HIV-infected persons. My own State of New York has nearly 20 percent of reported AIDS cases in the U.S., although the State holds only 7 percent of the Nation's population. Moreover, in New York City, AIDS is among the top five causes of death for children up to 9 years of age. And by the year 2000, it is estimated that 30,000 children will be orphaned by AIDS in New York City.

It is in our common interest, socially, medically and fiscally, to fully fund the Ryan White CARE Act. Ryan White CARE programs have become integral components of the entire health care system. By providing early intervention, housing assistance and case management to some of our most fragile citizens, these programs have effectively and efficiently served as their safety net.

The impact of these programs is evident everywhere including New York State. Despite the fact that the number of people living with AIDS in New York doubled between 1989 and 1992, the number hospitalized increased by less than one third. In the State, Ryan White HIV home care services average a cost of $194 per day, while 1 day at the hospital costs $993 and nursing home care costs $424 per day. At the very least, we would be fiscally irresponsible to ignore these facts.

Without a doubt, the scope of this crisis merits the full employment of Federal resources. Last month, the House passed other measures that acknowledge the AIDS emergency, including funding for AIDS research at the Centers for Disease Control and the National Institutes for Health. But, more resources should and can be devoted to combatting this epidemic. In the Labor-HHS-Education Appropriations bill (H.R. 2127), Ryan White AIDS programs were authorized for $67.5 million less than the administration's request.

America cannot afford to fall short on the Ryan White CARE Act. The provision of food, housing, medical care, prescription drugs and other important services is the least that the government can do to ensure that the appropriate level of care reaches the infirm. Ryan White CARE programs are to the AIDS community what Social Security is to senior citizens. I appeal to my colleagues with any sense of compassion to vote ''yes'' for H.R. 1872 and pledge their support for further efforts to fully fund these vital programs.

Mr. WAXMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. BILIRAKIS] that the House suspend the rules and pass the bill, H.R. 1872, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that all Members

may have 5 legislative days within which to revise and extend their remarks on H.R. 1872, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 641) to reauthorize the Ryan White CARE Act of 1990, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 641

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Ryan White CARE Reauthorization Act of 1995''.

SEC. 2. REFERENCES.

Whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of title XXVI of the Public Health Service Act (42 U.S.C. 300ff–11 et seq.).

SEC. 3. GENERAL AMENDMENTS.

(a) ESTABLISHMENT OF GRANT PROGRAM.—Section 2601 (42 U.S.C. 300ff–11) is amended—

(1) in subsection (a)—

(A) by striking ''March 31 of the most recent fiscal year'' and inserting ''March 31, 1995, and December 31 of the most recent calendar year thereafter''; and

(B) by striking ''fiscal year—'' and all that follows through the period and inserting ''fiscal year, there has been reported to and confirmed by, for the 5-year period prior to the fiscal year for which the grant is being made, the Director of the Centers for Disease Control and Prevention a cumulative total of more than 2,000 cases of acquired immune deficiency syndrome.''; and

(2) by adding at the end thereof the following new subsections:

''(c) POPULATION OF ELIGIBLE AREAS.—The Secretary may not make a grant to an eligible area under subsection (a) after the date of enactment of this subsection unless the area has a population of at least 500,000 individuals, except that this subsection shall not apply to areas that are eligible as of March 31, 1994. For purposes of eligibility under this title, the boundaries of each metropolitan area shall be those in effect in fiscal year 1994.

''(d) CONTINUED FUNDING.—A metropolitan area that has received a grant under this section for the fiscal year in which this subsection is enacted, shall be eligible to receive such a grant in subsequent fiscal years.''.

(b) EMERGENCY RELIEF FOR AREAS WITH SUBSTANTIAL NEED FOR SERVICES.—

(1) HIV HEALTH SERVICES PLANNING COUNCIL.—Subsection (b) of section 2602 (42 U.S.C. 300ff–12(b)) is amended—

(A) in paragraph (1)—

(i) by striking ''include'' and all that follows through the end thereof, and inserting ''reflect in its composition the demographics of the epidemic in the eligible area involved, with particular consideration given to disproportionately affected and historically underserved groups and subpopulations.''; and

(ii) by adding at the end thereof the following new sentences: ''Nominations for membership on the council shall be identified through an open process and candidates shall be selected based on locally delineated and publicized criteria. Such criteria shall include a conflict-of-interest standard for each nominee.'';

(B) in paragraph (2), by adding at the end thereof the following new subparagraph:

''(C) CHAIRPERSON.—A planning council may not be chaired solely by an employee of the grantee.'';

(C) in paragraph (3)—

(i) in subparagraph (A), by striking ''area;'' and inserting ''area based on the—

''(i) documented needs of the HIV-infected population;

''(ii) cost and outcome effectiveness of proposed strategies and interventions, to the extent that such data are reasonably available, (either demonstrated or probable);

''(iii) priorities of the HIV-infected communities for whom the services are intended; and

''(iv) availability of other governmental and nongovernmental resources;'';

(ii) by striking ''and'' at the end of subparagraph (B);

(iii) by striking the period at the end of subparagraph (C) and inserting '', and at the discretion of the planning council, assess the effectiveness, either directly or through contractual arrangements, of the services offered in meeting the identified needs; ''; and

(iv) by adding at the end thereof the following new subparagraphs:

''(D) participate in the development of the Statewide coordinated statement of need initiated by the State health department;

''(E) establish operating procedures which include specific policies for resolving disputes, responding to grievances, and minimizing and managing conflict-of-interests; and

''(F) establish methods for obtaining input on community needs and priorities which may include public meetings, conducting focus groups, and convening ad-hoc panels.'';

(D) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(E) by inserting after paragraph (1), the following new paragraph:

''(2) REPRESENTATION.—The HIV health services planning council shall include representatives of—

''(A) health care providers, including federally qualified health centers;

''(B) community-based organizations serving affected populations and AIDS service organizations;

''(C) social service providers;

''(D) mental health and substance abuse providers;

''(E) local public health agencies;

''(F) hospital planning agencies or health care planning agencies;

''(G) affected communities, including people with HIV disease or AIDS and historically underserved groups and subpopulations;

''(H) nonelected community leaders;

''(I) State government (including the State medicaid agency and the agency administering the program under part B);

''(J) grantees under subpart II of part C;

''(K) grantees under section 2671, or, if none are operating in the area, representatives of organizations with a history of serving children, youth, women, and families living with HIV and operating in the area; and

''(L) grantees under other Federal HIV programs.''.

(2) DISTRIBUTION OF GRANTS.—Section 2603 (42 U.S.C. 300ff–13) is amended—

(A) in subsection (a)(2), by striking ''Not later than—'' and all that follows through ''the Secretary shall'' and inserting the following: ''Not later than 60 days after an appropriation becomes available to carry out this part for each of the fiscal years 1996 through 2000, the Secretary shall''; and

(B) in subsection (b)

(i) in paragraph (1)—

(I) by striking ''and'' at the end of subparagraph (D);

(II) by striking the period at the end of subparagraph (E) and inserting a semicolon; and

(III) by adding at the end thereof the following new subparagraphs:

''(F) demonstrates the inclusiveness of the planning council membership, with particular emphasis on affected communities and individuals with HIV disease; and

''(G) demonstrates the manner in which the proposed services are consistent with the local needs assessment and the Statewide coordinated statement of need.''; and

(ii) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively; and

(iii) by inserting after paragraph (1), the following new paragraph:

''(2) PRIORITY.—

''(A) SEVERE NEED.—In determining severe need in accordance with paragraph (1)(B), the Secretary shall give priority consideration in awarding grants under this section to any qualified applicant that demonstrates an ability to spend funds efficiently and demonstrates a more severe need based on prevalence of—

''(i) sexually transmitted diseases, substance abuse, tuberculosis, severe mental illness, or other diseases determined relevant by the Secretary, which significantly affect the impact of HIV disease in affected individuals and communities;

''(ii) AIDS in individuals, and subpopulations, previously unknown in the eligible metropolitan area; or

''(iii) homelessness.

''(B) PREVALENCE.—In determining prevalence of diseases under subparagraph (A), the Secretary shall use data on the prevalence of the illnesses described in such subparagraph in HIV-infected individuals unless such data is not available nationally. Where such data is not nationally available, the Secretary may use the prevalence (with respect to such illnesses) in the general population.''.

(3) DISTRIBUTION OF FUNDS.—

(A) IN GENERAL.—Section 2603(a)(2) (42 U.S.C. 300ff–13(a)(2)) (as amended by paragraph (2)) is further amended—

(i) by inserting '', in accordance with paragraph (3)'' before the period; and

(ii) by adding at the end thereof the following new sentence: ''The Secretary shall reserve an additional percentage of the amount appropriated under section 2677 for a fiscal year for grants under part A to make grants to eligible areas under section 2601(a) in accordance with paragraph (4).''.

(B) INCREASE IN GRANT.—Section 2603(a) (42 U.S.C. 300ff–13(a)) is amended by adding at the end thereof the following new paragraph:

''(4) INCREASE IN GRANT.—With respect to an eligible area under section 2601(a), the Secretary shall increase the amount of a grant under paragraph (2) for a fiscal year to ensure that such eligible area receives not less than—

''(A) with respect to fiscal year 1996, 98 percent;

''(B) with respect to fiscal year 1997, 97 percent;

''(C) with respect to fiscal year 1998, 95.5 percent;

''(D) with respect to fiscal year 1999, 94 percent; and

''(E) with respect to fiscal year 2000, 92.5 percent;

of the amount allocated for fiscal year 1995 to such entity under this subsection.''.

(4) USE OF AMOUNTS.—Section 2604 (42 U.S.C. 300ff–14) is amended—

(A) in subsection (b)(1)(A)—

(i) by inserting '', substance abuse treatment and mental health treatment,'' after ''case management''; and

(ii) by inserting ''which shall include treatment education and prophylactic treatment for opportunistic infections,'' after ''treatment services,'';

(B) in subsection (b)(2)(A)—

(i) by inserting '', or private for-profit entities if such entities are the only available provider of quality HIV care in the area,'' after ''nonprofit private entities,''; and

(ii) by striking ''and homeless health centers'' and inserting ''homeless health centers, substance abuse treatment programs, and mental health programs''; and

(C) in subsection (e)—

(i) in the subsection heading, by striking ''AND PLANNING;

(ii) by striking ''The chief'' and inserting: ''(1) IN GENERAL.—The chief'';

(iii) by striking ''accounting, reporting, and program oversight functions'';

(iv) by adding at the end thereof the following new sentence: ''An entity (including subcontractors) receiving an allocation from the grant awarded to the chief executive officer under this part shall not use in excess of 12.5 percent of amounts received under such allocation for administration.''; and

(v) by adding at the end thereof the following new paragraphs:

''(2) ADMINISTRATIVE ACTIVITIES.—For the purposes of paragraph (1), amounts may be used for administrative activities that include—

''(A) routine grant administration and monitoring activities, including the development of applications for part A funds, the receipt and disbursal of program funds, the development and establishment of reimbursement and accounting systems, the preparation of routine programmatic and financial reports, and compliance with grant conditions and audit requirements; and

''(B) all activities associated with the grantee's contract award procedures, including the development of requests for proposals, contract proposal review activities, negotiation and awarding of contracts, monitoring of contracts through telephone consultation, written documentation or onsite visits, reporting on contracts, and funding reallocation activities.''.

''(3) SUBCONTRACTOR ADMINISTRATIVE COSTS.—For the purposes of this subsection, subcontractor administrative activities include—

''(A) usual and recognized overhead, including established indirect rates for agencies;

''(B) management oversight of specific programs funded under this title; and

''(C) other types of program support such as quality assurance, quality control, and related activities.''.

(5) APPLICATION.—Section 2605 (42 U.S.C. 300ff–15) is amended—

(A) in subsection (a)—

(i) in the matter preceding paragraph (1), by inserting '', in accordance with subsection (c) regarding a single application and grant award,'' after ''application'';

(ii) in paragraph (1)(B), by striking ''1-year period'' and all that follows through ''eligible area'' and inserting ''preceding fiscal year'';

(iii) in paragraph (4), by striking ''and'' at the end thereof;

(iv) in paragraph (5), by striking the period at the end thereof and inserting ''; and''; and

(v) by adding at the end thereof the following new paragraph:

''(6) that the applicant has participated, or will agree to participate, in the Statewide coordinated statement of need process where it has been initiated by the State, and ensure that the services provided under the comprehensive plan are consistent with the Statewide coordinated statement of need.'';

(B) in subsection (b)—

(i) in the subsection heading, by striking ''ADDITIONAL'';

(ii) in the matter preceding paragraph (1), by striking ''additional application'' and inserting ''application, in accordance with subsection (c) regarding a single application and grant award,'';

(iii) in paragraph (3), by striking ''and'' at the end thereof; and

(iv) in paragraph (4), by striking the period and inserting ''; and'';

(C) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(D) by inserting after subsection (b), the following new subsection:

''(c) SINGLE APPLICATION AND GRANT AWARD.—

''(1) APPLICATION.—The Secretary may phase in the use of a single application that meets the requirements of subsections (a) and (b) of section 2603 with respect to an eligible area that desires to receive grants under section 2603 for a fiscal year.

''(2) GRANT AWARD.—The Secretary may phase in the awarding of a single grant to an eligible area that submits an approved application under paragraph (1) for a fiscal year.''.

(6) TECHNICAL ASSISTANCE.—Section 2606 (42 U.S.C. 300ff–16) is amended—

(A) by striking ''may'' and inserting ''shall'';

(B) by inserting after ''technical assistance'' the following: '', including peer based assistance to assist newly eligible metropolitan areas in the establishment of HIV health services planning councils and,''; and

(C) by adding at the end thereof the following new sentences: ''The Administrator may make planning grants available to metropolitan areas, in an amount not to exceed $75,000 for any metropolitan area, projected to be eligible for funding under section 2601 in the following fiscal year. Such grant amounts shall be deducted from the first year formula award to eligible areas accepting such grants. Not to exceed 1 percent of the amount appropriated for a fiscal year under section 2677 for grants under part A may be used to carry out this section.''.

(b) CARE GRANT PROGRAM.—

(1) HIV CARE CONSORTIA.—Section 2613 (42 U.S.C. 300ff–23) is amended—

(A) in subsection (a)—

(i) in paragraph (1), by inserting ''(or private for-profit providers or organizations if such entities are the only available providers of quality HIV care in the area)'' after ''nonprofit private,''; and

(ii) in paragraph (2)(A)—

(I) by inserting ''substance abuse treatment, mental health treatment,'' after ''nursing,''; and

(II) by inserting ''prophylactic treatment for opportunistic infections, treatment education to take place in the context of health care delivery,'' after ''monitoring,'';

(B) in subsection (c)—

(i) in subparagraph (C) of paragraph (1), by inserting before ''care'' ''and youth centered''; and

(ii) in paragraph (2)—

(I) in clause (ii) of subparagraph (A), by striking ''served; and'' and inserting ''served;'';

(II) in subparagraph (B), by striking the period at the end; and

(III) by adding after subparagraph (B), the following new subparagraphs:

''(C) grantees under section 2671 and representatives of organizations with a history of serving children, youth, women, and families with HIV and operating in the community to be served; and

''(D) representatives of community-based providers that are necessary to provide the full continuum of HIV-related health care services, which are available within the geographic area to be served.''; and

(C) in subsection (d), to read as follows:

''(d) DEFINITION.—As used in this part, the terms 'family centered care' and 'youth centered care' mean the system of services described in this section that is targeted specifically to the special needs of infants, children (including those orphaned by the AIDS epidemic), youth, women, and families. Family centered and youth centered care shall be based on a partnership among parents, extended family members, children and youth, professionals, and the community designed to ensure an integrated, coordinated, culturally sensitive, and community-based continuum of care.''.

(2) PROVISION OF TREATMENTS.—Section 2616 (42 U.S.C. 300ff–26) is amended by striking subsection (c) and inserting the following new subsections:

''(c) STANDARDS FOR TREATMENT PROGRAMS.—In carrying out this section, the Secretary shall—

''(1) review the current status of State drug reimbursement programs and assess barriers to the expended availability of prophylactic treatments for opportunistic infections (including active tuberculosis); and

''(2) establish, in consultation with States, providers, and affected communities, a recommended minimum formulary of pharmaceutical drug therapies approved by the Food and Drug Administration.

In carrying out paragraph (2), the Secretary shall identify those treatments in the recommended minimum formulary that are for the prevention of opportunistic infections (including the prevention of active tuberculosis).

''(d) STATE DUTIES.—

''(1) IN GENERAL.—In implementing subsection (a), States shall document the progress made in making treatments described in subsection (c)(2) available to individuals eligible for assistance under this section, and to develop plans to implement fully the recommended minimum formulary of pharmaceutical drug therapies approved by the Food and Drug Administration.

''(2) OTHER MECHANISMS FOR PROVIDING TREATMENTS.—In meeting the standards of the recommended minimum formulary developed under subsection (c), a State may identify other mechanisms such as consortia and public programs for providing such treatments to individuals with HIV.''.

(3) STATE APPLICATION.—Section 2617(b) (42 U.S.C. 300ff–27(b)) is amended—

(A) in paragraph (2)—

(i) in subparagraph (A), by striking ''and'' at the end thereof; and

(ii) by adding at the end thereof the following new subparagraph:

''(C) a description of how the allocation and utilization of resources are consistent with the Statewide coordinated statement of need (including traditionally underserved populations and subpopulations) developed in partnership with other grantees in the State that receive funding under this title;'';

(B) by redesignating paragraph (3) as paragraph (4);

(C) by inserting after paragraph (2), the following new paragraph:

''(3) the public health agency administering the grant for the State shall convene a meeting at least annually of individuals with HIV who utilize services under this part (including those individuals from traditionally underserved populations and subpopulations) and representatives of grantees funded under

this title (including HIV health services planning councils, early intervention programs, children, youth and family service projects, special projects of national significance, and HIV care consortia) and other providers (including federally qualified health centers) and public agency representatives within the State currently delivering HIV services to affected communities for the purpose of developing a Statewide coordinated statement of need; and''; and

(D) by adding at the end thereof the following flush sentence:

''The State shall not be required to finance attendance at the meetings described in paragraph (3). A State may pay the travel-related expenses of individuals attending such meetings where appropriate and necessary to ensure adequate participation.''.

(4) PLANNING, EVALUATION AND ADMINISTRATION.—Section 2618(c) (42 U.S.C. 300ff–28(c)) is amended—

(A) in paragraphs (3) and (4), to read as follows:

''(3) PLANNING AND EVALUATIONS.—Subject to paragraph (5) and except as provided in paragraph (6), a State may not use more than 10 percent of amounts received under a grant awarded under this part for planning and evaluation activities.

''(4) ADMINISTRATION.—

''(A) IN GENERAL.—Subject to paragraph (5) and except as provided in paragraph (6), a State may not use more than 10 percent of amounts received under a grant awarded under this part for administration. An entity (including subcontractors) receiving an allocation from the grant awarded to the State under this part shall not use in excess of 12.5 percent of amounts received under such allocation for administration.

''(B) ADMINISTRATIVE ACTIVITIES.—For the purposes of subparagraph (A), amounts may be used for administrative activities that include routine grant administration and monitoring activities.

''(C) SUBCONTRACTOR ADMINISTRATIVE COSTS.—For the purposes of this paragraph, subcontractor administrative activities include—

''(i) usual and recognized overhead, including established indirect rates for agencies;

''(ii) management oversight of specific programs funded under this title; and

''(iii) other types of program support such as quality assurance, quality control, and related activities.'';

(B) by redesignating paragraph (5) as paragraph (7); and

(C) by inserting after paragraph (4), the following new paragraphs:

''(5) LIMITATION ON USE OF FUNDS.—Except as provided in paragraph (6), a State may not use more than a total of 15 percent of amounts received under a grant awarded under this part for the purposes described in paragraphs (3) and (4).

''(6) EXCEPTION.—With respect to a State that receives the minimum allotment under subsection (a)(1) for a fiscal year, such State, from the amounts received under a grant awarded under this part for such fiscal year for the activities described in paragraphs (3) and (4), may, notwithstanding paragraphs (3), (4), and (5), use not more than that amount required to support one full-time-equivalent employee.''.

(5) TECHNICAL ASSISTANCE.—Section 2619 (42 U.S.C. 300ff–29) is amended—

(A) by striking ''may'' and inserting ''shall''; and

(B) by inserting before the period the following: '', including technical assistance for the development and implementation of Statewide coordinated statements of need''.

(6) GRIEVANCE PROCEDURES AND COORDINATION.—Part B of title XXVI (42 U.S.C. 300ff–21) is amended by adding at the end thereof the following new sections:

''SEC. 2621. GRIEVANCE PROCEDURES.

''Not later than 90 days after the date of enactment of this section, the Administration, in consultation with affected parties, shall establish grievance procedures, specific to each part of this title, to address allegations of egregious violations of each such part. Such procedures shall include an appropriate enforcement mechanism.

''SEC. 2622. COORDINATION.

''The Secretary shall ensure that the Health Resources and Services Administration, the Centers for Disease Control and Prevention, and the Substance Abuse and Mental Health Services Administration coordinate the planning and implementation of Federal HIV programs in order to facilitate the local development of a complete continuum of HIV-related services for individuals with HIV disease and those at risk of such disease. The Secretary shall periodically prepare and submit to the relevant committees of Congress a report concerning such coordination efforts at the Federal, State, and local levels as well as the existence of Federal barriers to HIV program integration.''.

(c) EARLY INTERVENTION SERVICES.—

(1) ESTABLISHMENT OF PROGRAM.—Section 2651(b) (42 U.S.C. 300ff–51(b)) is amended—

(A) in paragraph (1), by striking ''grant agrees to'' and all that follows through the period and inserting: ''grant agrees to—

''(A) expend the grant for the purposes of providing, on an out-patient basis, each of the early intervention services specified in paragraph (2) with respect to HIV disease; and

''(B) expend not less than 50 percent of the amount received under the grant to provide a continuum of primary care services, including, as appropriate, dental care services, to individuals confirmed to be living with HIV.''; and

(B) in paragraph (4)—

(i) by striking ''The Secretary'' and inserting ''(A) IN GENERAL.—The Secretary'';

(ii) by inserting '', or private for-profit entities if such entities are the only available provider of quality HIV care in the area,'' after ''nonprofit private entities'';

(iii) by realigning the margin of subparagraph (A) so as to align with the margin of paragraph (3)(A); and

(iv) by adding at the end thereof the following new subparagraph:

''(B) OTHER REQUIREMENTS.—Grantees described in—

''(i) paragraphs (1), (2), (5), and (6) of section 2652(a) shall use not less than 50 percent of the amount of such a grant to provide the services described in subparagraphs (A), (B), (D), and (E) of section 2651(b)(2) directly and on-site or at sites where other primary care services are rendered; and

''(ii) paragraphs (3) and (4) of section 2652(a) shall ensure the availability of early intervention services through a system of linkages to community-based primary care providers, and to establish mechanisms for the referrals described in section 2651(b)(2)(C), and for follow-up concerning such referrals.''.

(2) MINIMUM QUALIFICATIONS.—Section 2652(b)(1)(B) (42 U.S.C. 300ff–52(b)(1)(B)) is amended by inserting '', or a private for-profit entity if such entity is the only available provider of quality HIV care in the area,'' after ''nonprofit private entity'';

(3) MISCELLANEOUS PROVISIONS.—Section 2654 (42 U.S.C. 300ff–54) is amended by adding at the end thereof the following new subsection:

''(c) PLANNING AND DEVELOPMENT GRANTS.—

''(1) IN GENERAL.—The Secretary may provide planning grants, in an amount not to exceed $50,000 for each such grant, to public and nonprofit private entities that are not direct providers of primary care services for the purpose of enabling such providers to provide HIV primary care services.

''(2) REQUIREMENT.—The Secretary may only award a grant to an entity under paragraph (1) if the Secretary determines that the entity will use such grant to assist the entity in qualifying for a grant under section 2651.

''(3) PREFERENCE.—In awarding grants under paragraph (1), the Secretary shall give preference to entities that would provide HIV primary care services in rural or underserved communities.

''(4) LIMITATION.—Not to exceed 1 percent of the amount appropriated for a fiscal year under section 2655 may be used to carry out this section.''.

(4) AUTHORIZATION OF APPROPRIATIONS.—Section 2655 (42 U.S.C. 300ff–55) is amended by striking ''$75,000,000'' and all that follows through the end of the section, and inserting ''such sums as may be necessary in each of the fiscal years 1996, 1997, 1998, 1999, and 2000.''.

(5) REQUIRED AGREEMENTS.—Section 2664(g) (42 U.S.C. 300ff–64(g)) is amended—

(A) in paragraph (2), by striking ''and'' at the end thereof;

(B) in paragraph (3)—

(i) by striking ''5 percent'' and inserting ''10 percent including planning, evaluation and technical assistance''; and

(ii) by striking the period and inserting ''; and''; and

(C) by adding at the end thereof the following new paragraph:

''(4) the applicant will submit evidence that the proposed program is consistent with the Statewide coordinated statement of need and agree to participate in the ongoing revision of such statement of need.''.

(d) GRANTS.—

(1) IN GENERAL.—Section 2671 (42 U.S.C. 300ff–71) is amended to read as follows:

''SEC. 2671. GRANTS FOR COORDINATED SERVICES AND ACCESS TO RESEARCH FOR CHILDREN, YOUTH, AND FAMILIES.

''(a) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, and in consultation with the Director of the National Institutes of Health, shall award grants to appropriate public or nonprofit private entities that, directly or through contractual arrangements, provide primary care to the public for the purpose of—

''(1) providing out-patient health care and support services (which may include family-centered and youth-centered care, as defined in this title, family and youth support services, and services for orphans) to children, youth, women with HIV disease, and the families of such individuals, and supporting the provision of such care with programs of HIV prevention and HIV research; and

''(2) facilitating the voluntary participation of children, youth, and women with HIV disease in qualified research protocols at the facilities of such entities or by direct referral.

''(b) ELIGIBLE ENTITIES.—The Secretary may not make a grant to an entity under subsection (a) unless the entity involved provides assurances that—

''(1) the grant will be used primarily to serve children, youth, and women with HIV disease;

''(2) the entity will enter into arrangements with one or more qualified research entities to collaborate in the conduct or facilitation of voluntary patient participation in qualified research protocols;

''(3) the entity will coordinate activities under the grant with other providers of

health care services under this title, and under title V of the Social Security Act;

''(4) the entity will participate in the Statewide coordinated statement of need under section 2619 and in the revision of such statement; and

''(5) the entity will offer appropriate research opportunities to each patient, with informed consent.

''(c) APPLICATION.—The Secretary may not make a grant under subsection (a) unless an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

''(d) PATIENT PARTICIPATION IN RESEARCH PROTOCOLS.—

''(1) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration and the Director of the Office of AIDS Research, shall establish procedures to ensure that accepted standards of protection of human subjects (including the provision of written informed consent) are implemented in projects supported under this section. Receipt of services by a patient shall not be conditioned upon the consent of the patient to participate in research.

''(2) RESEARCH PROTOCOLS.—

''(A) IN GENERAL.—The Secretary shall establish mechanisms to ensure that research protocols proposed to be carried out to meet the requirements of this section, are of potential clinical benefit to the study participants, and meet accepted standards of research design.

''(B) REVIEW PANEL.—Mechanisms established under subparagraph (A) shall include an independent research review panel that shall review all protocols proposed to be carried out to meet the requirements of this section to ensure that such protocols meet the requirements of this section. Such panel shall make recommendations to the Secretary as to the protocols that should be approved. The panel shall include representatives of public and private researchers, providers of services, and recipients of services.

''(e) TRAINING AND TECHNICAL ASSISTANCE.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, may use not to exceed five percent of the amounts appropriated under subsection (h) in each fiscal year to conduct training and technical assistance (including peer-based models of technical assistance) to assist applicants and grantees under this section in complying with the requirements of this section.

''(f) EVALUATIONS AND DATA COLLECTION.—

''(1) EVALUATIONS.—The Secretary shall provide for the review of programs carried out under this section at the end of each grant year. Such evaluations may include recommendations as to the improvement of access to and participation in services and access to and participation in qualified research protocols supported under this section.

''(2) REPORTING REQUIREMENTS.—The Secretary may establish data reporting requirements and schedules as necessary to administer the program established under this section and conduct evaluations, measure outcomes, and document the clients served, services provided, and participation in qualified research protocols.

''(3) WAIVERS.—Notwithstanding the requirements of subsection (b), the Secretary may award new grants under this section to an entity if the entity provide assurances, satisfactory to the Secretary, that the entity will implement the assurances required under paragraph (2), (3), (4), or (5) of subsection (b) by the end of the second grant year. If the Secretary determines through the evaluation process that a recipient of funds under this section is in material noncompliance with the assurances provided under paragraph (2), (3), (4), or (5) of subsection (b), the Secretary may provide for continued funding of up to one year if the recipient provides assurances, satisfactory to the Secretary, that such noncompliance will be remedied within such period.

''(g) DEFINITIONS.—For purposes of this section:

''(1) QUALIFIED RESEARCH ENTITY.—The term 'qualified research entity' means a public or private entity with expertise in the conduct of research that has demonstrated clinical benefit to patients.

''(2) QUALIFIED RESEARCH PROTOCOL.—The term 'qualified research protocol' means a research study design of a public or private clinical program that meets the requirements of subsection (d).

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, such sums as may be necessary for each of the fiscal years 1996 through 2000.''.

(2) CONFORMING AMENDMENT.—The heading for part D of title XXVI of the Public Health Service Act is amended to read as follows:

''PART D—GRANTS FOR COORDINATED SERVICES AND ACCESS TO RESEARCH FOR CHILDREN, YOUTH, AND FAMILIES''.

(e) DEMONSTRATION AND TRAINING.—

(1) IN GENERAL.—Title XXVI is amended by adding at the end, the following new part:

''PART F—DEMONSTRATION AND TRAINING

''Subpart I—Special Projects of National Significance

''SEC. 2691. SPECIAL PROJECTS OF NATIONAL SIGNIFICANCE.

''(a) IN GENERAL.—Of the amount appropriated under each of parts A, B, C, and D of this title for each fiscal year, the Secretary shall use the greater of $20,000,000 or 3 percent of such amount appropriated under each such part, but not to exceed $25,000,000, to administer a special projects of national significance program to award direct grants to public and nonprofit private entities including community-based organizations to fund special programs for the care and treatment of individuals with HIV disease.

''(b) GRANTS.—The Secretary shall award grants under subsection (a) based on—

''(1) the need to assess the effectiveness of a particular model for the care and treatment of individuals with HIV disease;

''(2) the innovative nature of the proposed activity; and

''(3) the potential replicability of the proposed activity in other similar localities or nationally.

''(c) SPECIAL PROJECTS.—Special projects of national significance shall include the development and assessment of innovative service delivery models that are designed to—

''(1) address the needs of special populations;

''(2) assist in the development of essential community-based service delivery infrastructure; and

''(3) ensure the ongoing availability of services for Native American communities to enable such communities to care for Native Americans with HIV disease.

''(d) SPECIAL POPULATIONS.—Special projects of national significance may include the delivery of HIV health care and support services to traditionally underserved populations including—

''(1) individuals and families with HIV disease living in rural communities;

''(2) adolescents with HIV disease;

''(3) Indian individuals and families with HIV disease;

''(4) homeless individuals and families with HIV disease;

''(5) hemophiliacs with HIV disease; and

''(6) incarcerated individuals with HIV disease.

''(e) SERVICE DEVELOPMENT GRANTS.—Special projects of national significance may include the development of model approaches to delivering HIV care and support services including—

''(1) programs that support family-based care networks critical to the delivery of care in minority communities;

''(2) programs that build organizational capacity in disenfranchised communities;

''(3) programs designed to prepare AIDS service organizations and grantees under this title for operation within the changing health care environment; and

''(4) programs designed to integrate the delivery of mental health and substance abuse treatment with HIV services.

''(f) COORDINATION.—The Secretary may not make a grant under this section unless the applicant submits evidence that the proposed program is consistent with the Statewide coordinated statement of need, and the applicant agrees to participate in the ongoing revision process of such statement of need.

''(g) REPLICATION.—The Secretary shall make information concerning successful models developed under this part available to grantees under this title for the purpose of coordination, replication, and integration. To facilitate efforts under this subsection, the Secretary may provide for peer-based technical assistance from grantees funded under this part.''.

(2) REPEAL.—Subsection (a) of section 2618 (42 U.S.C. 300ff–28(a)) is repealed.

(f) HIV/AIDS COMMUNITIES, SCHOOLS, CENTERS.—

(1) NEW PART.—Part F of title XXVI (as added by subsection (e)) is further amended by adding at the end, the following new subpart:

''Subpart II—AIDS Education and Training Centers

''SEC. 2692. HIV/AIDS COMMUNITIES, SCHOOLS, AND CENTERS.''.

(2) AMENDMENTS.—Section 776(a)(1) (42 U.S.C. 294n(a)) is amended—

(A) by striking subparagraphs (B) and (C);

(B) by redesignating subparagraphs (A) and (D) as subparagraphs (B) and (C), respectively;

(C) by inserting before subparagraph (B) (as so redesignated) the following new subparagraph:

''(A) training health personnel, including practitioners in title XXVI programs and other community providers, in the diagnosis, treatment, and prevention of HIV infection and disease;''; and

(D) in subparagraph (B) (as so redesignated) by adding ''and'' after the semicolon.

(3) TRANSFER.—Subsection (a) of section 776 (42 U.S.C. 294n(a)) (as amended by paragraph (2)) is amended by transferring such subsection to section 2692 (as added by paragraph (1)).

(4) AUTHORIZATION OF APPROPRIATIONS.—Section 2692 (as added by paragraph (1)) is amended by adding at the end thereof the following new subsection:

''(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, such sums as may be necessary for each of the fiscal years 1996 through 2000.''.

SEC. 4. AMOUNT OF EMERGENCY RELIEF GRANTS.

Paragraph (3) of section 2603(a) (42 U.S.C. 300ff–13(a)(3)) is amended to read as follows:

''(3) AMOUNT OF GRANT.—

''(A) IN GENERAL.—Subject to the extent of amounts made available in appropriations Acts, a grant made for purposes of this paragraph to an eligible area shall be made in an amount equal to the product of—

''(i) an amount equal to the amount available for distribution under paragraph (2) for the fiscal year involved; and

''(ii) the percentage constituted by the ratio of the distribution factor for the eligible area to the sum of the respective distribution factors for all eligible areas.

''(B) DISTRIBUTION FACTOR.—For purposes of subparagraph (A)(ii), the term 'distribution factor' means an amount equal to the estimated number of living cases of acquired immune deficiency syndrome in the eligible area involved, as determined under subparagraph (C).

''(C) ESTIMATE OF LIVING CASES.—The amount determined in this subparagraph is an amount equal to the product of—

''(i) the number of cases of acquired immune deficiency syndrome in the eligible area during each year in the most recent 120-month period for which data are available with respect to all eligible areas, as indicated by the number of such cases reported to and confirmed by the Director of the Centers for Disease Control and Prevention for each year during such period; and

''(ii) with respect to—

''(I) the first year during such period, .06;

''(II) the second year during such period, .06;

''(III) the third year during such period, .08;

''(IV) the fourth year during such period, .10;

''(V) the fifth year during such period, .16;

''(VI) the sixth year during such period, .16;

''(VII) the seventh year during such period, .24;

''(VIII) the eighth year during such period, .40;

''(IX) the ninth year during such period, .57; and

''(X) the tenth year during such period, .88.

''(D) UNEXPENDED FUNDS.—The Secretary may, in determining the amount of a grant for a fiscal year under this paragraph, adjust the grant amount to reflect the amount of unexpended and uncanceled grant funds remaining at the end of the fiscal year preceding the year for which the grant determination is to be made. The amount of any such unexpended funds shall be determined using the financial status report of the grantee.

''(E) PUERTO RICO, VIRGIN ISLANDS, GUAM.—For purposes of subparagraph (D), the cost index for an eligible area within Puerto Rico, the Virgin Islands, or Guam shall be 1.0.''.

SEC. 5. AMOUNT OF CARE GRANTS.

Paragraphs (1) and (2) of section 2618(b) (42 U.S.C. 300ff–28(b)(1) and (2)) are amended to read as follows:

''(1) MINIMUM ALLOTMENT.—Subject to the extent of amounts made available under section 2677, the amount of a grant to be made under this part for—

''(A) each of the several States and the District of Columbia for a fiscal year shall be the greater of—

''(i)(I) with respect to a State or District that has less than 90 living cases of acquired immune deficiency syndrome, as determined under paragraph (2)(D), $100,000; or

''(i)(I) with respect to a State or District that has 90 or more living cases of acquired immune deficiency syndrome, as determined under paragraph (2)(D), $250,000;

''(ii) an amount determined under paragraph (2); and

''(B) each territory of the United States, as defined in paragraph (3), shall be an amount determined under paragraph (2).

''(2) DETERMINATION.—

''(A) FORMULA.—The amount referred to in paragraph (1)(A)(ii) for a State and paragraph (1)(B) for a territory of the United States shall be the product of—

''(i) an amount equal to the amount appropriated under section 2677 for the fiscal year involved for grants under part B; and

''(ii) the percentage constituted by the sum of—

''(I) the product of .50 and the ratio of the State distribution factor for the State or territory (as determined under subsection (B)) to the sum of the respective State distribution factors for all States or territories; and

''(II) the product of .50 and the ratio of the non-EMA distribution factor for the State or territory (as determined under subparagraph (C)) to the sum of the respective distribution factors for all States or territories.

''(B) STATE DISTRIBUTION FACTOR.—For purposes of subparagraph (A)(ii)(I), the term 'State distribution factor' means an amount equal to the estimated number of living cases of acquired immune deficiency syndrome in the eligible area involved, as determined under subparagraph (D).

''(C) NON-EMA DISTRIBUTION FACTOR.—For purposes of subparagraph (A)(ii)(II), the term 'non-ema distribution factor' means an amount equal to the sum of—

''(i) the estimated number of living cases of acquired immune deficiency syndrome in the State or territory involved, as determined under subparagraph (D); less

''(ii) the estimated number of living cases of acquired immune deficiency syndrome in such State or territory that are within an eligible area (as determined under part A).

''(D) ESTIMATE OF LIVING CASES.—The amount determined in this subparagraph is an amount equal to the product of—

''(i) the number of cases of acquired immune deficiency syndrome in the State or territory during each year in the most recent 120-month period for which data are available with respect to all States and territories, as indicated by the number of such cases reported to and confirmed by the Director of the Centers for Disease Control and Prevention for each year during such period; and

''(ii) with respect to each of the first through the tenth year during such period, the amount referred to in 2603(a)(3)(C)(ii).

''(E) PUERTO RICO, VIRGIN ISLANDS, GUAM.—For purposes of subparagraph (D), the cost index for Puerto Rico, the Virgin Islands, and Guam shall be 1.0.''.

''(F) UNEXPENDED FUNDS.—The Secretary may, in determining the amount of a grant for a fiscal year under this subsection, adjust the grant amount to reflect the amount of unexpended and uncanceled grant funds remaining at the end of the fiscal year preceding the year for which the grant determination is to be made. The amount of any such unexpended funds shall be determined using the financial status report of the grantee.

''(G) LIMITATION.—

''(i) IN GENERAL.—The Secretary shall ensure that the amount of a grant awarded to a State or territory for a fiscal year under this part is equal to not less than—

''(I) with respect to fiscal year 1996, 98 percent;

''(II) with respect to fiscal year 1997, 97 percent;

''(III) with respect to fiscal year 1998, 95.5 percent;

''(IV) with respect to fiscal year 1999, 94 percent; and

''(V) with respect to fiscal year 2000, 92.5 percent;

of the amount such State or territory received for fiscal year 1995 under this part. In administering this subparagraph, the Secretary shall, with respect to States that will receive grants in amounts that exceed the amounts that such States received under this part in fiscal year 1995, proportionally reduce such amounts to ensure compliance with this subparagraph. In making such reductions, the Secretary shall ensure that no such State receives less than that State received for fiscal year 1995.

''(ii) RATABLE REDUCTION.—If the amount appropriated under section 2677 and available for allocation under this part is less than the amount appropriated and available under this part for fiscal year 1995, the limitation contained in clause (i) shall be reduced by a percentage equal to the percentage of the reduction in such amounts appropriated and available.''.

SEC. 6. CONSOLIDATION OF AUTHORIZATIONS OF APPROPRIATIONS.

(a) IN GENERAL.—Part D of title XXVI (42 U.S.C. 300ff–71) is amended by adding at the end thereof the following new section:

''SEC. 2677. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—Subject to subsection (b), there are authorized to be appropriated to make grants under parts A and B, such sums as may be necessary for each of the fiscal years 1996 through 2000. Of the amount appropriated under this section for fiscal year 1996, the Secretary shall make available 64 percent of such amount to carry out part A and 36 percent of such amount to carry out part B.

''(b) DEVELOPMENT OF METHODOLOGY.—

''(1) IN GENERAL.—With respect to each of the fiscal years 1997 through 2000, the Secretary shall develop and implement a methodology for adjusting the percentages referred to in subsection (a) to account for grants to new eligible areas under part A and other relevant factors. Not later than 1 year after the date of enactment of this section, the Secretary shall prepare and submit to the appropriate committees of Congress a report regarding the findings with respect to the methodology developed under this paragraph.

''(2) FAILURE TO IMPLEMENT.—If the Secretary fails to implement a methodology under paragraph (1) by October 1, 1996, there are authorized to be appropriated—

''(A) such sums as may be necessary to carry out part A for each of the fiscal years 1997 through 2000; and

''(B) such sums as may be necessary to carry out part B for each of the fiscal years 1997 through 2000.''.

(b) REPEALS.—Sections 2608 and 2620 (42 U.S.C. 300ff–18 and 300ff–30) are repealed.

(c) CONFORMING AMENDMENTS.—Title XXVI is amended—

(1) in section 2603 (42 U.S.C. 300ff–13)—

(A) in subsection (a)(2), by striking ''2608'' and inserting ''2677''; and

(B) in subsection (b)(1), by striking ''2608'' and inserting ''2677'';

(2) in section 2605(c)(1) (42 U.S.C. 300ff–15(c)(1)) is amended by striking ''2608'' and inserting ''2677''; and

(3) in section 2618 (42 U.S.C. 300ff–28)—

(A) in subsection (a)(1), is amended by striking ''2620'' and inserting ''2677''; and

(B) in subsection (b)(1), is amended by striking ''2620'' and inserting ''2677''.

SEC. 7. CDC GUIDELINES FOR PREGNANT WOMEN.

(a) REQUIREMENT.—Notwithstanding any other provision of law, a State described in subsection (b) shall, not later than 1 year after the date of enactment of this Act, certify to the Secretary of Health and Human Services that such State has in effect regulations to adopt the guidelines issued by the Centers for Disease Control and Prevention concerning recommendations for

immunodeficiency virus counseling and voluntary testing for pregnant women.

(b) APPLICATION OF SECTION.—A State described in this subsection is a State that has—

(1) an HIV seroprevalance among child bearing women during the period beginning on January 1, 1991 and ending on December 31, 1992, of .25 or greater as determined by the Centers for Disease Control and Prevention; or

(2) an estimated number of births to HIV positive women in 1993 of 175 or greater as determined by the Centers for Disease Control and Prevention using 1992 natality statistics.

(c) NONCOMPLIANCE.—If a State does not provide the certification required under subsection (a) within the 1 year period described in such subsection, such State shall not be eligible to receive assistance for HIV counseling and testing under the Public Health Service Act (42 U.S.C. 201 et seq.) until such certification is provided.

(d) ADDITIONAL FUNDS REGARDING WOMEN AND INFANTS.—

(1) IN GENERAL.—If a State described in subsection (b) provides the certification required in subsection (a) and is receiving funds under part B of title XXVI of the Public Health Service Act for a fiscal year, the Secretary of Health and Human Services may (from the amounts available pursuant to paragraph (3)) make a grant to the State for the fiscal year for the following purposes:

(A) Making available to pregnant women appropriate counseling on HIV disease.

(B) Making available outreach efforts to pregnant women at high risk of HIV who are not currently receiving prenatal care.

(C) Making available to such women testing for such disease.

(D) Offsetting other State costs associated with the implementation of the requirement of subsection (a).

(2) EVALUATION BY INSTITUTE OF MEDICINE.—

(A) IN GENERAL.—The Secretary of Health and Human Services shall request the Institute of Medicine of the National Academy of Sciences to enter into a contract with the Secretary for the purpose of conducting an evaluation of the extent to which grants under paragraph (1) have been effective in preventing the perinatal transmission of the human immunodeficiency virus.

(B) ALTERNATIVE CONTRACT.—If the Institute referred to in subparagraph (A) declines to conduct the evaluation under such subparagraph, the Secretary of Health and Human Services shall carry out such subparagraph through another public or nonprofit private entity.

(C) DATE CERTAIN FOR REPORT.—The Secretary of Health and Human Services shall ensure that, not later than after 2 years after the date of the enactment of this Act, the evaluation required in this paragraph is completed and a report describing the findings made as a result of the evaluation is submitted to the Congress.

(3) FUNDING.—For the purpose of carrying out this subsection, there are authorized to be appropriated $10,000,000 for each of the fiscal years 1996 through 2000. Amounts made available under section 2677 for carrying out this part are not available for carrying out this subsection.

SEC. 8. SPOUSAL NOTIFICATION.

(a) PROHIBITION ON THE USE OF FUNDS.—The Secretary shall not make a grant under this Act to any State or political subdivision of any State, nor shall any other funds made available under this Act, be obligated or expended in any State unless such State takes administrative or legislative action to require that a good faith effort shall be made to notify a spouse of an AIDS-infected patient that such AIDS-infected patient is infected with the human immunodeficiency virus.

(b) DEFINITIONS.—As used in this section—

(1) AIDS-INFECTED PATIENT.—The term ''AIDS-infected patient'' means any person who has been diagnosed by a physician or surgeon practicing medicine in such State to be infected with the human immunodeficiency virus.

(2) STATE.—The term ''State'' means a State, the District of Columbia, or any territory of the United States.

(3) SPOUSE.—The term ''spouse'' means a person who is or at any time since December 31, 1976, has been the marriage partner of a person diagnosed as an AIDS-infected patient.

(c) EFFECTIVE DATE.—Subsection (a) shall take effect with respect to a State on January 1 of the calendar year following the first regular session of the legislative body of such State that is convened following the date of enactment of this section.

SEC. 9. STUDY ON ALLOTMENT FORMULA.

(a) STUDY.—The Secretary of Health and Human Services (hereafter referred to in this section as the ''Secretary'') shall enter into a contract with a public or nonprofit private entity, subject to subsection (b), for the purpose of conducting a study or studies concerning the statutory formulas under which funds made available under part A or B of title XXVI of the Public Health Service Act are allocated among eligible areas (in the case of grants under part A) and States and territories (in the case of grants under part B). Such study or studies shall include—

(1) an assessment of the degree to which each such formula allocates funds according to the respective needs of eligible areas, State, and territories;

(2) an assessment of the validity and relevance of the factors currently included in each such formula;

(3) in the case of the formula under part A, an assessment of the degree to which the formula reflects the relative costs of providing services under such title XXVI within eligible areas;

(4) in the case of the formula under part B, an assessment of the degree to which the formula reflects the relative costs of providing services under such title XXVI within eligible States and territories; and

(5) any other information that would contribute to a thorough assessment of the appropriateness of the current formulas.

(b) NATIONAL ACADEMY OF SCIENCES.—The Secretary shall request the National Academy of Sciences to enter into the contract under subsection (a) to conduct the study described in such subsection. If such Academy declines to conduct the study, the Secretary shall carry out such subsection through another public or nonprofit private entity.

(c) REPORT.—The Secretary shall ensure that not later than 6 months after the date of enactment of this Act, the study required under subsection (a) is completed and a report describing the findings made as a result of such study is submitted to the Committee on Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate.

(d) CONSULTATION.—The entity preparing the report required under subsection (c), shall consult with the Comptroller General of the United States. The Comptroller General shall review the study after its transmittal to the committees described in subsection (c) and within 3 months make appropriate recommendations concerning such report to such committees.

SEC. 10. PROHIBITIONS AND LIMITATIONS ON THE USE OF FEDERAL FUNDS

(a) PROMOTION OR ENCOURAGEMENT OF CERTAIN ACTIVITIES.—No funds authorized to be appropriated under this Act may be used to promote or encourage, directly or indirectly, homosexuality, or intravenous drug use.

(b) DEFINITION.—As used in subsection (a), the term ''to promote or encourage, directly or indirectly, homosexuality'' includes, but is not limited to, affirming homosexuality as natural, normal, or healthy, or, in the process of addressing related ''at-risk'' issues, affirming in any way that engaging in a homosexual act is desirable, acceptable, or permissible, or, describing in any way techniques of homosexual sex.

SEC. 11. OPTIONAL PARTICIPATION OF FEDERAL EMPLOYEES IN AIDS TRAINING PROGRAMS.

(a) IN GENERAL.—Notwithstanding any other provision of law, a Federal employee may not be required to attend or participate in an AIDS or HIV training program if such employee refuses to consent to such attendance or participation. An employer may not retaliate in any manner against such an employee because of the refusal of such employee to consent to such attendance or participation.

(b) DEFINITION.—As used in subsection (a), the term ''Federal employee'' has the same meaning given the term ''employee'' in section 2105 of title 5, United States Code, and such term shall include members of the armed forces.

SEC. 12. PROHIBITION ON PROMOTION OF CERTAIN ACTIVITIES.

Part D of title XXVI of the Public Health Service Act (42 U.S.C. 300ff-71) as amended by section 6, is further amended by adding at the end thereof the following new section:

''SEC. 2678. PROHIBITION ON PROMOTION OF CERTAIN ACTIVITIES.

''None of the funds authorized under this title shall be used to fund AIDS programs, or to develop materials, designed to promote or encourage, directly, intravenous drug use or sexual activity, whether homosexual or heterosexual. Funds authorized under this title may be used to provide medical treatment and support services for individuals with HIV.''.

SEC. 13. LIMITATION ON APPROPRIATIONS.

Notwithstanding any other provision of law, the total amounts of Federal funds expended in any fiscal year for AIDS and HIV activities may not exceed the total amounts expended in such fiscal year for activities related to cancer.

SEC. 14. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this Act, and the amendments made by this Act, shall become effective on October 1, 1995.

(b) ELIGIBLE AREAS.—

(1) IN GENERAL.—The amendments made by subsections (a)(1)(A), (a)(2), and (b)(4)(A) of section 3 shall become effective on the date of enactment of this Act.

(2) REPORTED CASES.—The amendment made by subsection (a)(1)(B) of section 3 shall become effective on October 1, 1997.

MOTION OFFERED BY MR. BILIRAKIS

Mr. BILIRAKIS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BILIRAKIS moves to strike all after the enacting clause of the Senate bill, S. 641, and to insert in lieu thereof the provisions of H.R. 1872, as passed by the House.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. BILIRAKIS].

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: ''A bill to amend the Public Health Service Act to revise and extend programs established pursuant to the Ryan White Comprehensive AIDS Resources Emergency Act of 1990.''

A motion to reconsider was laid on the table.

A similar House bill (H.R. 1872 was laid on the table.

ALASKA NATIVE CLAIMS SETTLEMENT AMENDMENT

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and take from the Speaker's table the bill (H.R. 402) to amend the Alaska Native Claims Settlement Act, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

TITLE I—ALASKA NATIVE CLAIMS SETTLEMENT

SECTION 101. RATIFICATION OF CERTAIN CASWELL AND MONTANA CREEK NATIVE ASSOCIATIONS CONVEYANCES.

The conveyance of approximately 11,520 acres to Montana Creek Native Association, Inc., and the conveyance of approximately 11,520 acres to Caswell Native Association, Inc., by Cook Inlet Region, Inc. in fulfillment of the agreement of February 3, 1976, and subsequent letter agreement of March 26, 1982, among the 3 parties are hereby adopted and ratified as a matter of Federal law. The conveyances shall be deemed to be conveyances pursuant to section 14(h)(2) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)(2)). The group corporations for Montana Creek and Caswell are hereby declared to have received their full entitlement and shall not be entitled to receive any additional lands under the Alaska Native Claims Settlement Act. The ratification of these conveyances shall not have any effect on section 14(h) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)) or upon the duties and obligations of the United States to any Alaska Native Corporation. This ratification shall not be for any claim to land or money by the Caswell or Montana Creek group corporations or any other Alaska Native Corporation against the State of Alaska, the United States, or Cook Inlet Region, Incorporated.

SEC. 102. MINING CLAIMS ON LANDS CONVEYED TO ALASKA REGIONAL CORPORATIONS.

Section 22(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1621(c)) is amended by adding at the end the following:

''(3) This section shall apply to lands conveyed by interim conveyance or patent to a regional corporation pursuant to this Act which are made subject to a mining claim or claims located under the general mining laws, including lands conveyed prior to enactment of this paragraph. Effective upon the date of enactment of this paragraph, the Secretary, acting through the Bureau of Land Management and in a manner consistent with section 14(g), shall transfer to the regional corporation administration of all mining claims determined to be entirely within lands conveyed to that corporation. Any person holding such mining claim or claims shall meet such requirements of the general mining laws and section 314 of the Federal Land Management and Policy Act of 1976 (43 U.S.C. 1744), except that any filings that would have been made with the Bureau of Land Management if the lands were within Federal ownership shall be timely made with the appropriate regional corporation. The validity of any such mining claim or claims may be contested by the regional corporation, in place of the United States. All contest proceedings and appeals by the mining claimants of adverse decision made by the regional corporation shall be brought in Federal District Court for the District of Alaska. Neither the United States nor any Federal agency or official shall be named or joined as a party in such proceedings or appeals. All revenues from such mining claims received after passage of this paragraph shall be remitted to the regional corporation subject to distribution pursuant to section 7(i) of this Act, except that in the event that the mining claim or claims are not totally within the lands conveyed to the regional corporation, the regional corporation shall be entitled only to that proportion of revenues, other than administrative fees, reasonably allocated to the portion of the mining claim so conveyed.''.

SEC. 103. SETTLEMENT OF CLAIMS ARISING FROM HAZARDOUS SUBSTANCE CONTAMINATION OF TRANSFERRED LANDS.

The Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) is amended by adding at the end the following:

''CLAIMS ARISING FROM CONTAMINATION OF TRANSFERRED LANDS

''SEC. 40. (a) As used in this section the term 'contaminant' means hazardous substance harmful to public health or the environment, including friable asbestos.

''(b) Within 18 months of enactment of this section, and after consultation with the Secretary of Agriculture, State of Alaska, and appropriate Alaska Native corporations and organizations, the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, a report addressing issues presented by the presence of contaminants on lands conveyed or prioritized for conveyance to such corporations pursuant to this Act. Such report shall consist of—

''(1) existing information concerning the nature and types of contaminants present on such lands prior to conveyance to Alaska Native corporations;

''(2) existing information identifying to the extent practicable the existence and availability of potentially responsible parties for the removal or remediation of the effects of such contaminants;

''(3) identification of existing remedies;

''(4) recommendations for any additional legislation that the Secretary concludes is necessary to remedy the problem of contaminants on the lands; and

''(5) in addition to the identification of contaminants, identification of structures known to have asbestos present and recommendations to inform Native landowners on the containment of asbestos.''.

SEC. 104. AUTHORIZATION OF APPROPRIATIONS FOR THE PURPOSES OF IMPLEMENTING REQUIRED RECONVEYANCES.

Section 14(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(c)) is amended by adding at the end the following:

''There is authorized to be appropriated such sums as may be necessary for the purpose of providing technical assistance to Village Corporations established pursuant to this Act in order that they may fulfill the reconveyance requirements of section 14(c) of this Act. The Secretary may make funds available as grants to ANCSA or nonprofit corporations that maintain in-house land planning and management capabilities.''.

SEC. 105. NATIVE ALLOTMENTS.

Section 1431(o) of the Alaska National Interest Lands Conservation Act (94 Stat. 2542) is amended by adding at the end the following:

''(5) Following the exercise by Arctic Slope Regional Corporation of its option under paragraph (1) to acquire the subsurface estate beneath lands within the National Petroleum Reserve—Alaska selected by Kuukpik Corporation, where such subsurface estate entirely surrounds lands subject to a Native allotment application approved under 905 of this Act, and the oil and gas in such lands have been reserved to the United States, Arctic Slope Regional Corporation, at its further option and subject to the concurrence of Kuukpik Corporation, shall be entitled to receive a conveyance of the reserved oil and gas, including all rights and privileges therein reserved to the United States, in such lands. Upon the receipt of a conveyance of such oil and gas interests, the entitlement of Arctic Slope Regional Corporation to in-lieu subsurface lands under section 12(a)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1611(a)(1)) shall be reduced by the amount of acreage determined by the Secretary to be conveyed to Arctic Slope Regional Corporation pursuant to this paragraph.''.

SEC. 106. REPORT CONCERNING OPEN SEASON FOR CERTAIN NATIVE ALASKA VETERANS FOR ALLOTMENTS.

(a) IN GENERAL.—No later than 9 months after the date of enactment of this Act, the Secretary of the Interior, in consultation with the Secretary of Agriculture, the State of Alaska and appropriate Native corporations and organizations, shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report which shall include, but not be limited to, the following:

(1) The number of Vietnam era veterans, as defined in section 101 of title 38, United States Code, who were eligible for but did not apply for an allotment of not to exceed 160 acres under the Act of May 17, 1906 (chapter 2469, 34 Stat. 197), as the Act was in effect before December 18, 1971.

(2) An assessment of the potential impacts of additional allotments on conservation system units as that term is defined in section 102(4) of the Alaska National Interest Lands Conservation Act (94 Stat. 2375).

(3) Recommendations for any additional legislation that the Secretary concludes is necessary.

(b) REQUIREMENT.—The Secretary of Veterans Affairs shall release to the Secretary of the Interior information relevant to the report required under subsection (a).

SEC. 107. TRANSFER OF WRANGELL INSTITUTE.

(a) PROPERTY TRANSFER.—In order to effect a recision of the ANCSA settlement conveyance to Cook Inlet Region, Incorporated of the approximately 134.49 acres and structures located thereon (''property'') known as the Wrangell Institute in Wrangell, Alaska, upon certification to the Secretary by Cook Inlet Region, Incorporated, that the Wrangell Institute property has been offered for transfer to the City of Wrangell, property bidding credits in an amount of $475,000, together with adjustments from January 1, 1976 made pursuant to the methodology used to establish the Remaining Obligation Entitlement in the Memorandum of Understanding Between the United States Department of the Interior and Cook Inlet Region, Incorporated dated April 11, 1986, shall be restored to the Cook Inlet Region, Incorporated, property account in the Treasury established under section 12(b) of the Act of January 2, 1976 (Public Law 94–204, 43 U.S.C. 1611 note), as amended, referred to in such section as the ''Cook Inlet Region, Incorporated, property account''. Acceptance by the City of Wrangell, Alaska of the property shall constitute a waiver by the City of Wrangell of any claims for the costs of remediation related to asbestos, whether in the nature of participation or reimbursement, against the United States or Cook Inlet Region, Incorporated. The acceptance of the property bidding credits by Cook Inlet Region, Incorporated, Alaska of the property shall constitute a waiver by Cook Inlet Region, Incorporated of any claims for the costs of remediation related to asbestos, whether in the nature of participation or

reimbursement, against the United States. In no event shall the United States be required to take title to the property. Such restored property bidding credits may be used in the same manner as any other portion of the account.

(b) HOLD HARMLESS.—Upon acceptance of the property bidding credits by Cook Inlet Region, Inc., the United States shall defend and hold harmless Cook Inlet Region, Incorporated, and its subsidiaries in any and all claims arising from asbestos or any contamination existing at the Wrangell Institute property at the time of transfer of ownership of the property from the United States to Cook Inlet Region, Incorporated.

SEC. 108. SHISHMAREF AIRPORT AMENDMENT.

The Shishmaref Airport, conveyed to the State of Alaska on January 5, 1967, in Patent No. 1240529, is subject to reversion to the United States, pursuant to the terms of that patent for nonuse as an airport. The Administrator of the Federal Aviation Administration is hereby directed to exercise said reverter in Patent No. 1240529 in favor of the United States within twelve months of the date of enactment of this section. Upon revesting of title, notwithstanding any other provision of law, the United States shall immediately thereafter transfer all right, title, and interest of the United States in the subject lands to the Shishmaref Native Corporation. Nothing in this section shall relieve the State, the United States, or any other potentially responsible party of liability, if any, under existing law for the cleanup of hazardous or solid wastes on the property, nor shall the United States or Shishmaref Native Corporation become liable for the cleanup of the property solely by virtue of acquiring title from the State of Alaska or from the United States.

SEC. 109. CONFIRMATION OF WOODY ISLAND AS ELIGIBLE NATIVE VILLAGE.

The Native village of Woody Island, located on Woody Island, Alaska, in the Koniag Region, is hereby confirmed as an eligible Alaska Native Village, pursuant to Section 11(b)(3) of the Alaska Native Claims Settlement Act (''ANCSA''). It is further confirmed that Leisnoi, Inc., is the Village Corporation, as that term is defined in Section 3(j) of ANCSA, for the village of Woody Island.

SEC. 110. DEFINITION OF REVENUES.

(a) Section 7(i) of the Alaska Native Claims Settlement Act, Public Law 92–203 (43 U.S.C. 1606(i)), is amended—

(1) by inserting ''(1)'' after ''(i)''; and

(2) by adding at the end the following new paragraph:

''(2) For purposes of this subsection, the term 'revenues' does not include any benefit received or realized for the use of losses incurred or credits earned by a Regional Corporation.''.

(b) This amendment shall be effective as of the date of enactment of the Alaska Native Claims Settlement Act, Public Law 92–203 (43 U.S.C. 1601, et seq.).

TITLE II—HAWAIIAN HOME LANDS

SEC. 201. SHORT TITLE

This title may cited as the ''Hawaiian Home Lands Recovery Act''.

SEC. 202. DEFINITIONS.

As used in this title:

(1) AGENCY.—The term ''agency'' includes—

(A) any instrumentality of the United States;

(B) any element of an agency; and

(C) any wholly owned or mixed-owned corporation of the United States Government.

(2) BENEFICIARY.—The term ''beneficiary'' has the same meaning as is given the term ''native Hawaiian'' under section 201(7) of the Hawaiian Homes Commission Act.

(3) CHAIRMAN.—The term ''Chairman'' means the Chairman of the Hawaiian Homes Commission of the State of Hawaii.

(4) COMMISSION.—The term ''Commission'' means the Hawaiian Homes Commission established by section 202 of the Hawaiian Homes Commission Act.

(5) HAWAIIAN HOMES COMMISSION ACT.—The term ''Hawaiian Homes Commission Act'' means the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et. seq., chapter 42).

(6) HAWAII STATE ADMISSION ACT.—The term ''Hawaii State Admission Act'' means the Act entitled ''An Act to provide for the admission of the State of Hawaii into the Union'', approved March 18, 1959 (73 Stat. 4, chapter 339; 48 U.S.C. note prec. 491).

(7) LOST USE.—The term ''lost use'' means the value of the use of the land during the period when beneficiaries or the Hawaiian Homes Commission have been unable to use lands as authorized by the Hawaiian Homes Commission Act because of the use of such lands by the Federal Government after August 21, 1959.

(8) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 203. SETTLEMENT OF FEDERAL CLAIMS.

(a) DETERMINATION.—

(1) The Secretary shall determine the value of the following:

(A) Lands under the control of the Federal Government that—

(i) were initially designated as available lands under section 203 of the Hawaiian Homes Commission Act (as in effect on the date of enactment of such Act); and

(ii) were nevertheless transferred to or otherwise acquired by the Federal Government.

(B) The lost use of lands described in subparagraph (A).

(2)(A) Except as provided in subparagraph (B), the determinations of value made under this subsection shall be made not later than 1 year after the date of enactment of this Act. In carrying out this subsection, the Secretary shall use a method of determining value that—

(i) is acceptable to the Chairman; and

(ii) is in the best interest of the beneficiaries.

(B) The Secretary and the Chairman may mutually agree to extend the deadline for making determinations under this subparagraph beyond the date specified in subparagraph (A).

(3) The Secretary and the Chairman may mutually agree, with respect to the determinations of value described in subparagraphs (A) and (B) of paragraph (1), to provide—

(A) for making any portion of the determinations of value pursuant to subparagraphs (A) and (B) of paragraph (1); and

(B) for making the remainder of the determinations with respect to which the Secretary and the Chairman do not exercise the option described in subparagraph (A), pursuant to an appraisal conducted under paragraph (4).

(4)(A) Except as provided in subparagraph (C), if the Secretary and the Chairman do not agree on the determinations of value made by the Secretary under subparagraphs (A) and (B) of paragraph (1), or, pursuant to paragraph (3), mutually agree to determine the value of certain lands pursuant to this subparagraph, such values shall be determined by an appraisal. An appraisal conducted under this subparagraph shall be conducted in accordance with appraisal standards that are mutually agreeable to the Secretary and the Chairman.

(B) If an appraisal is conducted pursuant to this subparagraph, during the appraisal process—

(i) the Chairman shall have the opportunity to present evidence of value to the Secretary;

(ii) the Secretary shall provide the Chairman a preliminary copy of the appraisal;

(iii) the Chairman shall have a reasonable and sufficient opportunity to comment on the preliminary copy of the appraisal; and

(iv) the Secretary shall give consideration to the comments and evidence of value submitted by the Chairman under this subparagraph.

(C) The Chairman shall have the right to dispute the determinations of values made by an appraisal conducted under this subparagraph. If the Chairman disputes the appraisal, the Secretary and the Chairman may mutually agree to employ a process of bargaining, mediation, or other means of dispute resolution to make the determinations of values described in subparagraphs (A) and (B) of paragraph (1).

(b) AUTHORIZATION.—

(1) EXCHANGE.—Subject to paragraphs (2) and (5), the Secretary may convey Federal lands described in paragraph (5) to the Department of Hawaiian Home Lands in exchange for the continued retention by the Federal Government of lands described in subsection (a)(1)(A).

(2) VALUE OF LANDS.—(A) The value of any lands conveyed to the Department of Hawaiian Home Lands by the Federal Government in accordance with an exchange made under paragraph (1) may not be less than the value of the lands retained by the Federal Government pursuant to such exchange.

(B) For the purposes of this subsection, the value of any lands exchanged pursuant to paragraph (1) shall be determined as of the date the exchange is carried out, or any other date determined by the Secretary, with the concurrence of the Chairman.

(3) LOST USE.—Subject to paragraphs (4) and (5), the Secretary may convey Federal lands described in paragraph (5) to the Department of Hawaiian Home Lands as compensation for the lost use of lands determined under subsection (a)(1)(B).

(4) VALUE OF LOST USE.—(A) the value of any lands conveyed to the Department of Hawaiian Home Lands by the Federal Government as compensation under paragraph (3) may not be less than the value of the lost use of lands determined under subsection (a)(1)(B).

(B) For the purposes of this subparagraph, the value of any lands conveyed pursuant to paragraph (3) shall be determined as of the date that the conveyance occurs, or any other date determined by the Secretary, with the concurrence of the Chairman.

(5) FEDERAL LANDS FOR EXCHANGE.—(A) Subject to subparagraphs (B) and (C), Federal lands located in Hawaii that are under the control of an agency (other than lands within the National Park System or the National Wildlife Refuge System) may be conveyed to the Department of Hawaiian Home Lands under paragraphs (1) and (3). To assist the Secretary in carrying out this Act, the head of an agency may transfer to the Department of the Interior, without reimbursement, jurisdiction and control over any lands and any structures that the Secretary determines to be suitable for conveyance to the Department of Hawaiian Home Lands pursuant to an exchange conducted under this section.

(B) No Federal lands that the Federal Government is required to convey to the State of Hawaii under section 5 of the Hawaii State Admission Act may be conveyed under paragraph (1) or (3).

(C) No Federal lands that generate income (or would be expected to generate income) for the Federal Government may be conveyed pursuant to an exchange made under this paragraph to the Department of Hawaiian Home Lands.

(c) AVAILABLE LANDS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the Secretary shall require that lands conveyed to the Department of Hawaiian Home Lands under this Act shall have the status of available lands under the Hawaiian Home Commission Act.

(2) SUBSEQUENT EXCHANGE OF LANDS.—Notwithstanding any other provision of law, lands conveyed to the Department of Hawaiian Home Lands under this paragraph may subsequently be exchanged pursuant to section 204(3) of the Hawaiian Home Commission Act.

(3) SALE OF CERTAIN LANDS.—Notwithstanding any other provision of law, the Chairman may, at the time that lands are conveyed to the Department of Hawaiian Home Lands as compensation for lost use under this Act, designate lands to be sold. The Chairman is authorized to sell such land under terms and conditions that

are in the best interest of the beneficiaries. The proceeds of such a sale may only be used for the purposes described in section 207(a) of the Hawaiian Homes Commission Act.

(d) CONSULTATION.—In carrying out their respective responsibilities under this section, the Secretary and the Chairman shall—

(1) consult with the beneficiaries and organizations representing the beneficiaries; and

(2) report to such organizations on a regular basis concerning the progress made to meet the requirements of this section.

(e) HOLD HARMLESS.—Notwithstanding any other provision of law, the United States shall defend and hold harmless the Department of Hawaiian Home Lands, the employees of the Department, and the beneficiaries with respect to any claim arising from the ownership of any land or structure that is conveyed to the Department pursuant to an exchange made under this section prior to the conveyance to the Department of such land or structure.

(f) SCREENING.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Defense and the Administrator of General Services shall, at the same time as notice is provided to Federal agencies that excess real property is being screened pursuant to applicable Federal laws (including regulations) for possible transfer to such agencies, notify the Chairman of any such screening of real property that is located within the State of Hawaii.

(2) RESPONSE TO NOTIFICATION.—Notwithstanding any other provision of law, not later than 90 days after receiving a notice under paragraph (1), the Chairman may select for appraisal real property, or at the election of the Chairman, portions of real property, that is the subject of a screening.

(3) SELECTION.—Notwithstanding any other provision of law, with respect to any real property located in the State of Hawaii that, as of the date of enactment of this Act, is being screened pursuant to applicable Federal laws for possible transfer (as described in paragraph (1)) or has been screened for such purpose, but has not been transferred or declared to be surplus real property, the Chairman may select all, or any portion of, such real property to be appraised pursuant to paragraph (4).

(4) APPRAISAL.—Notwithstanding any other provision of law, the Secretary of Defense or the Administrator of General Services shall appriase the real property or portions of real property selected by the Chairman using the Uniform Standards for Federal Land Acquisition developed by the Interagency Land Acquisition Conference, or such other standard as the Chairman agrees to.

(5) REQUEST FOR CONVEYANCE.—Notwithstanding any other provision of law, not later than 30 days after the date of completion of such appraisal, the Chairman may request the conveyance to the Department of Hawaiian Home Lands of—

(A) the appraised property; or

(B) a portion of the appraised property, to the Department of Hawaiian Home Lands.

(6) CONVEYANCE.—Notwithstanding any other provision of law, upon receipt of a request from the Chairman, the Secretary of Defense or the Administrator of the General Services Administration shall convey, without reimbursement, the real property that is the subject of the request to the Department of Hawaiian Home Lands as compensation for lands identified under subsection (a)(1)(A) or lost use identified under subsection (a)(1)(B).

(7) REAL PROPERTY NOT SUBJECT TO RECOUPMENT.—Notwithstanding any other provision of law, any real property conveyed pursuant to paragraph (6) shall not be subject to recoupment based upon the sale or lease of the land by the Chairman.

(8) VALUATION.—Notwithstanding any other provision of law, the Secretary shall reduce the value identified under subparagraph (A) or (B) of subsection (a)(1), as determined pursuant to such subsection, by an amount equal to the appraised value of any excess lands conveyed pursuant to paragraph (6).

(9) LIMITATION.—No Federal lands that generate income (or would be expected to generate income) for the Federal Government may be conveyed pursuant to this subsection to the Department of Hawaiian Home Lands.

SEC. 204. PROCEDURE FOR APPROVAL OF AMENDMENTS TO HAWAIIAN HOMES COMMISSION ACT.

(a) NOTICE TO THE SECRETARY.—Not later than 120 days after a proposed amendment to the Hawaiian Homes Commission Act is approved in the manner provided in section 4 of the Hawaii State Admission Act, the Chairman shall submit to the Secretary—

(1) a copy of the proposed amendment;

(2) the nature of the change proposed to be made by the amendment; and

(3) an opinion regarding whether the proposed amendment requires the approval of Congress under section 4 of the Hawaii State Admission Act.

(b) DETERMINATION BY SECRETARY.—Not later than 60 days after receiving the materials required to be submitted by the Chairman pursuant to subsection (a), the Secretary shall determine whether the proposed amendment requires the approval of Congress under section 4 of the Hawaii State Admission Act, and shall notify the Chairman and Congress of the determination of the Secretary.

(c) CONGRESSIONAL APPROVAL REQUIRED.—If, pursuant to subsection (b), the Secretary determines that the proposed amendment requires the approval of Congress, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives—

(1) a draft joint resolution approving the amendment;

(2) a description of the change made by the proposed amendment and an explanation of how the amendment advances the interests of the beneficiaries;

(3) a comparison of the existing law (as of the date of submission of the proposed amendment) that is the subject of the amendment with the proposed amendment;

(4) a recommendation concerning the advisability of approving the proposed amendment; and

(5) any documentation concerning the amendments received from the Chairman.

SEC. 205. LAND EXCHANGES.

(a) NOTICE TO THE SECRETARY.—If the Chairman recommends for approval an exchange of Hawaiian Home Lands, the Chairman shall submit a report to the Secretary on the proposed exchange. The report shall contain—

(1) a description of the acreage and fair market value of the lands involved in the exchange;

(2) surveys and appraisals prepared by the Department of Hawaiian Home Lands, if any; and

(3) an identification of the benefits to the parties of the proposed exchange.

(b) APPROVAL OR DISAPPROVAL.—

(1) IN GENERAL.—Not later than 120 days after receiving the information required to be submitted by the Chairman pursuant to subsection (a), the Secretary shall approve or disapprove the proposed exchange.

(2) NOTIFICATION.—The Secretary shall notify the Chairman, the Committee on Energy and Natural Resources of the Senate, and the Committee on Resources of the House of Representatives of the reasons for the approval or disapproval of the proposed exchange.

(c) EXCHANGES INITIATED BY SECRETARY.—

(1) IN GENERAL.—The Secretary may recommend to the Chairman an exchange of Hawaiian Home Lands for Federal lands described in section 203(b)(5), other than lands described in subparagraphs (B) and (C) of such section. If the Secretary initiates a recommendation for such an exchange, the Secretary shall submit a report to the Chairman on the proposed exchange that meets the requirements of a report described in subsection (a).

(2) APPROVAL BY CHAIRMAN.—Not later than 120 days after receiving a recommendation for an exchange from the Secretary under paragraph (1), the Chairman shall provide written notification to the Secretary of the approval or disapproval of a proposed exchange. If the Chairman approves the proposed exchange, upon receipt of the written notification, the Secretary shall notify the Committee on Energy and Natural Resources of the Senate, and the Committee on Resources of the House of Representatives of the approval of the Chairman of the proposed exchange.

(3) EXCHANGE.—Upon providing notification pursuant to paragraph (2) of a proposed exchange that has been approved by the Chairman pursuant to this section, the Secretary may carry out the exchange.

(d) SELECTION AND EXCHANGE.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may—

(A) select real property that is the subject of screening activities conducted by the Secretary of Defense or the Administrator of General Services pursuant to applicable Federal laws (including regulations) for possible transfer to Federal agencies; and

(B) make recommendations to the Chairman concerning making an exchange under subsection (c) that includes such real property.

(2) TRANSFER.—Notwithstanding any other provision of law, if the Chairman approves an exchange proposed by the Secretary under paragraph (1)—

(A) the Secretary of Defense or the Administrator of General Services shall transfer the real property described in paragraph (1)(A) that is the subject of the exchange to the Secretary without reimbursement; and

(B) the Secretary shall carry out the exchange.

(3) LIMITATION.—No Federal lands that generate income (or would be expected to generate income) for the Federal Government may be conveyed pursuant to this subsection to the Department of Hawaiian Home Lands.

(e) SURVEYS AND APPRAISALS.—

(1) REQUIREMENT.—The Secretary shall conduct a survey of all Hawaiian Home Lands based on the report entitled ''Survey Needs for the Hawaiian Home Lands'', issued by the Bureau of Land Management of the Department of the Interior, and dated July 1991.

(2) OTHER SURVEYS.—The Secretary is authorized to conduct such other surveys and appraisals as may be necessary to make an informed decision regarding approval or disapproval of a proposed exchange.

SEC. 206. ADMINISTRATION OF ACTS BY UNITED STATES.

(a) DESIGNATION.—

(1) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Secretary shall designate an individual from within the Department of the Interior to administer the responsibilities of the United States under this title and the Hawaiian Homes Commission Act.

(2) DEFAULT.—If the Secretary fails to make an appointment by the date specified in paragraph (1), or if the position is vacant at any time thereafter, the Assistant Secretary for Policy, Budget, and Administration of the Department of the Interior shall exercise the responsibilities for the Department in accordance with subsection (b).

(b) RESPONSIBILITIES.—The individual designated pursuant to subsection (a) shall, in administering the laws referred to in such subsection—

(1) advance the interests of the beneficiaries; and

(2) assist the beneficiaries and the Department of Hawaiian Home Lands in obtaining assistance from programs of the Department of the

Interior and other Federal agencies that will promote homesteading opportunities, economic self-sufficiency, and social well-being of the beneficiaries.

SEC. 207. ADJUSTMENT.

The Act of July 1, 1932 (47 Stat. 564, chapter 369; 25 U.S.C. 386a) is amended by striking the period at the end and adding the following: '': Provided further, That the Secretary shall adjust or eliminate charges, defer collection of construction costs, and make no assessment on behalf of such charges for beneficiaries that hold leases on Hawaiian home lands, to the same extent as is permitted for individual Indians or tribes of Indians under this section.''.

SEC. 208. REPORT.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Chairman shall report to the Secretary concerning any claims that—

(1) involve the transfer of lands designated as available lands under section 203 of the Hawaiian Homes Commission Act (as in effect on the date of enactment of such Act); and

(2) are not otherwise covered under this title.

(b) REVIEW.—Not later than 180 days after receiving the report submitted under subsection (a), the Secretary shall make a determination with respect to each claim referred to in subsection (a), whether, on the basis of legal and equitable considerations, compensation should be granted to the Department of Hawaiian Home Lands.

(c) COMPENSATION.—If the Secretary makes a determination under subsection (b) that compensation should be granted to the Department of Hawaiian Home Lands, the Secretary shall determine the value of the lands and lost use in accordance with the process established under section 203(a), and increase the determination of value made under subparagraphs (A) and (B) of section 203(a)(1) by the value determined under this subsection.

SEC. 209. AUTHORIZATION.

There are authorized to be appropriated such sums as may be necessary for compensation to the Department of Hawaiian Home Lands for the value of the lost use of lands determined under section 203. Compensation received by the Department of Hawaiian Home Lands from funds made available pursuant to this section may only be used for the purposes described in section 207(a) of the Hawaiian Homes Commission Act. To the extent that amounts are made available by appropriations pursuant to this section for compensation paid to the Department of Hawaiian Home Lands for lost use, the Secretary shall reduce the determination of value established under section 203(a)(1)(B) by such amount.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska [Mr. YOUNG] will be recognized for 20 minutes, and the gentleman from Hawaii [Mr. ABERCROMBIE] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Alaska [Mr. YOUNG].

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Speaker, I rise in strong support of H.R. 402, as amended in the Senate. This bill is the result of a 2½-year effort of the Alaska Federation of Natives, the State of Alaska, the administration, and my ranking minority member, Mr. MILLER, and I thank them for their dedication and hard work. Sections 101 and 107 of title I of this bill have already passed the House in previous Congresses but were not acted on by the Senate.

H.R. 402 makes several technical changes to the Alaska Native Claims Settlement Act of 1971 [ANCSA] and the Alaska National Interests Land Conservation Act to address some of the unresolved land issues which have arisen since the passage of these Acts. This bill also adds a new title to address the issue of Hawaiian Home Lands.

Title I includes specific land conveyances to Native corporations, the clarification of mining authority and administration of mining claims on lands conveyed to Native corporations, an authorization for technical assistance to Native villages to help with land reconveyances required under ANCSA, a report on Vietnam-era veterans who were eligible but did not receive land under the Native Allotment Act of May 17, 1906, the confirmation of Woody Island, AK, as an eligible Alaska Native village under ANCSA and further clarification regarding the application of section 7(i) of the ANCSA revenue sharing provision to Alaska Native Regional corporations.

Title II authorizes the Secretary of the Interior to begin the negotiation process for 1,400 acres of Federal lands to be conveyed to the Department of Hawaiian Home Lands in exchange for Hawaiian Home Lands retained by the Federal Government and for compensation for lost use of these lands. This is an authorization only to establish a process for the exchange of lands as authorized in the Hawaiian Home Lands Recovery Act.

Mr. Speaker, all these provisions are long awaited, by both my Alaska Native constituency and the Hawaiian Native constituency to resolve some of the land disputes in the respective Native homelands and States.

I want to thank Chairman KASICH and his staff for their thorough review of this bill in a short period of time and their cooperation in scheduling this bill on today's program.

Mr. Speaker, I would suggest respectfully that one of the most frustrating things I have in this profession of mine is when I have people come to me and suggest ''we should have been notified.'' This bill has been on the burner for a long, long time, and the Senate provision for the Hawaiian homelands has been passed by the Senate many, many months ago. Now people are raising some questions, I want to suggest redundantly. I think those questions are moot, and should not be answered at this time because they are not germane to the subject we are discussing today.

Mr. Speaker, I urge my colleagues to support this measure.

Mr. Speaker, I reserve the balance of my time.

(Mr. ABERCROMBIE asked and was given permission to revise and extend his remarks.)

Mr. ABERCROMBIE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to say to my good friend from Alaska [Mr. YOUNG] that I very much appreciate the remarks that he has made. Unless I misunderstood him, I think that some of the objections being raised are moot, rather than mute. Unfortunately, very few of the activities and actions on this floor take place in a mute situation. We may wish for more of that before we are through.

Unfortunately the gentleman from Alaska [Mr. YOUNG] has probably missed the general tenor of my remarks in the last minute or so, because he is otherwise preoccupied. I hope he will, however, be able to take note of the fact that I rise in support of the legislation which passed the House without controversy on March 14 of this year. That bill was the product, as the gentleman from Alaska [Mr. YOUNG] has noted, of a lengthy process and negotiation between the Department of the Interior, the State of Alaska, and the Alaska Federation of Natives and other interested parties, one of whom obviously, of course, is the State of Hawaii.

It was substantially the same as legislation passed in the last Congress, and it dealt with a number of matters of importance to native Alaskans and to native Hawaiians.

However, Mr. Speaker, the bill before us today has been amended by the other body and can no longer be described as legislation that resembled that which I previously noted. To be clear, the Department of the Interior has certain concerns about some of the provisions added by the other body.

In this case, however, I defer to the judgment of the gentleman from Alaska [Mr. YOUNG] as to what is in the best interests of the Alaskan natives. I would hope, Mr. Speaker, that our colleagues would do that for the gentleman from Alaska [Mr. YOUNG] and myself. I urge my colleagues to support the bill.

Mr. Speaker, I want to say in addition how much I appreciate the concerns and the attention paid by the gentleman from Alaska [Mr. YOUNG] and the Committee on Resources staff to this bill. The gentleman is quite correct that this has taken actually years to get through. Some sections of it have been months in the making. Hearings have been held.

I think that it is fair to say that this has been acted on in a bipartisan way, based on the merits rather than on some of the fears and anxieties that might otherwise have attended this bill.

Mr. Speaker, I do hope that our colleagues will recognize that this bill has been put together on the basis of good will and good faith, and that the matters to be dealt with in the bill have long since passed the point of reasonable time to have them resolved.

Mr. Speaker, I rise in strong support of title II, the Hawaiian Home Lands Recovery Act, contained in H.R. 402, the Alaska Native Claims Settlement Act. The Hawaiian Home Lands Recovery Act demonstrates a good faith effort by the Federal Government regarding the settlement of claims by the Department

of Hawaiian Home Lands. In simpler terms, this is a land exchange bill from the Federal Government to the Department of Hawaiian Home Lands to make the covenant whole in regards to the set aside of lands established under the Hawaiian Homes Commission Act.

Over 70 years have elapsed since Congress passed the Hawaiian Homes Commission Act of 1920 [HHCA]. Under the HHCA approximately 203,500 acres of public land was set aside for the ''rehabilitation'' of Native Hawaiians through a Government-sponsored homesteading project. Two major factors prompted Congress to pass the HHCA. First, the Native Hawaiians were a dying race. Population data showed that the number of full-blooded Hawaiians in the territory had decreased from an 1826 estimate of 142,650 to 22,600 in 1919. Second, Congress saw that previous systems of land distribution were ineffective when judged practically by the benefits accruing to Native Hawaiians.

The HHCA was originally intended for rural homesteading, i.e., for Native Hawaiians to leave urban areas and return to the lands to become subsistence or commercial farmers and ranchers. Yet, the demand of Native Hawaiians for residential house lots has far exceeded the demand for agricultural or pastoral lots.

Since the State of Hawaii essentially assumed the duties of management and disposition of the Hawaiian home lands under the Statehood Admission Act, why would an action be considered a Federal breach?

Federal—because (1) these wrongful actions took place prior to statehood, in a time period when Hawaii was under Federal jurisdiction, and in which title to the land was held by the U.S. Government; or, (2) are continuing wrongful actions for which the Federal Government is responsible and only the Federal Government can remedy.

Breach—because the wrongful actions are breaches of responsibility under statute, by judicial or legislative findings, through trust law, or moral obligations. Alienation of land, and use of the land for purposes that are not authorized under the HHCA constitute breaches of the trust. There are numerous examples of these breaches in the territorial period. 1,400 acres of identified Hawaiian home lands.

The Hawaiian Home Lands Recovery Act seeks to redress this issue by authorizing the transfer of Federal lands to the Department of Hawaiian Home Lands in exchange for Hawaiian home lands retained by the Federal Government. Although the term ''exchange'' is used in this legislation, there is no expectation that DHHL will relinquish land to the Federal Government. DHHL need only relinquish any remaining claim it may have to former home lands now controlled by the Federal Government. The bill would also provide compensation for lost use of Hawaiian home lands controlled by the Federal Government.

In advance of land being conveyed to the Department of Hawaiian Home Lands under sections 203(b) and 203(f) of the bill, the Secretary of the Interior is required to determine the value of lands currently controlled by the Federal Government that were designated as available lands under the Hawaiian Homes Commission Act. It is important to note that section 203(a)(1)(A)(i) states that this determination is to be made based upon the HHCA, as enacted. Thus, the valuation shall include lands designated as home lands under the 1920 Act that are not currently part of the home land inventory, whether the withdrawal occurred as a result of executive action, or through an act of Congress. The Secretary is also required to determine the value of the lost use of lands currently controlled by the Federal Government so that this, too, can be compensated.

The valuation required by the legislation is not intended to be a unilateral action by the Secretary. On the contrary, section 203(a)(2)(A) requires the use of a valuation method that is acceptable to the Chairman of the Department of Hawaiian Home Lands and, most importantly, is in the best interests of the beneficiaries. These two conditions exist regardless of whether the Secretary uses an appraisal or non-appraisal method of valuation. Section 203(a)(2)(A) requires the Secretary to be an advocate for the best interests of Hawaiian home beneficiaries in reaching a determination of value. Thus the Secretary has a fiduciary responsibility for seeing to it that the beneficiaries receive the maximum possible compensation.

Under section 203(a), the Secretary need not determine the value of land and lost use by appraisal. The committee included a provision allowing valuation by a method other than appraisal in order to promote a speedy resolution of this longstanding conflict. The committee considers valuation by mutual agreement to be far preferable to the burdensome process of appraisal. During our hearings on this legislation, the Senate Energy and Natural Resources Committee was advised that the State of Hawaii had appraised most of the Federal properties in question. The GAO, in their report to the committee, analyzed the State appraisals and found the appraisal methodology used by the State was appropriate and that proper accounting principles were employed. The State appraisals therefore supplant the need for a separate appraisal by the Department of the Interior.

In the unfortunate event that the Interior Department decides to proceed with an appraisal, a number of specific safeguards have been instituted to ensure that the Department properly discharges its fiduciary responsibility to protect the interests of the Hawaiian home beneficiaries. These include a guarantee that the chairman of the Department of Hawaiian Home Lands shall have the opportunity to present evidence of the value of the home lands that were lost as well as the value of the lost use of these lands, the right to review and comment on a preliminary copy of the appraisal, and most importantly, the requirement that the Secretary give full consideration of the evidence of value presented by DHHL. Given the responsibility under section 203(a)(2)(A) that the Secretary represent the best interests of the beneficiaries, the requirement in section 203(a)(4)(B) is not ephemeral. When construed together, these provisions require the Secretary to give great weight to the recommendations of the DHHL on matters of value, especially if the interests of home land beneficiaries would be advanced by doing so.

In addition to all these protections, the Chairman of the Department of Hawaiian Home Lands has the right to dispute the determinations of value for land and lost use. Thus it is unmistakably clear that the Secretary and the chairman of DHHL must mutually consent to the values to be determined under section 203 of the bill.

Section 203(b) authorizes the conveyance of land to the Department of Hawaiian Home Lands as compensation for lost lands, and the lost use of home lands retained by the Federal Government. This section further authorizes the head of any Federal agency to transfer land and structures to the Secretary of the Interior for subsequent conveyance to DHHL. I want to contrast the two-step conveyance process described in section 203(b)(5) with the authority for the General Services Administration or the Department of Defense to convey property directly to DHHL under Section 203(f)(6) of the bill. A section 203(f)(6) conveyance would be a direct transfer of title, without intervention by the Department of the Interior, whereas the Interior Department would act as a transfer agent for conveyances executed under section 203(b)(5). Let me point out, however, that although jurisdiction and control of land would be transferred to the Interior Department under a section 203(b)(5) conveyance, the Interior Department's responsibility in completing the transfer is nothing more than a ministerial function. In this case the agency serves as a conduit for consummating the transfer of title to the DHHL.

Section 203(f) of the bill establishes a second means of conveying lands to the Department of Hawaiian Home Lands by allowing DHHL to obtain lands that are excess to the needs of individual Federal agencies. Subsection (f) places the Department of Hawaiian Home Lands in the same, or better, status as a Federal agency for the purpose of being notified of excess property and for obtaining the property from the excessing agency. Under no circumstances should the land that has been selected by the Chairman for appraisal under section 203(f)(2), and possible conveyance under section 203(f)(5), be transferred or otherwise disposed of by any Federal agency until the opportunity of the DHHL to obtain the land has expired.

Finally, let me comment on section 207 of the bill. This section establishes a cost sharing for Bureau of Reclamation projects on Hawaiian home lands that is the same as the cost sharing authorized for projects on Indian lands.

Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado [Mr. HEFLEY].

Mr. HEFLEY. Mr. Speaker, I rise to express concern to H.R. 402, the Alaska Native Claims Settlement Act Amendments. I do so reluctantly and for reasons that have nothing to do with the underlying measure which has already passed the House.

Title I of H.R. 402, concerning the settlement of Alaskan Native claims, is legislation which deserves the support of the House. My qualms about this legislation reside wholly in title II which was added by the Senate.

Title II of the bill, the Hawaiian Home Lands Recovery Act, raises a number of issues that have not been adequately addressed here in the House. The legislation proposes to establish a system to resolve Hawaiian native claims against the Federal Government in disputes over lands which

were allegedly diverted during territorial times from a Federal homesteading program for native Hawaiians to military use by the United States. As the chairman of the Subcommittee on Military Installations and Facilities, I have a number of serious questions about the legislation sent to the House by the Senate.

My two principal concerns involve the conflict between this legislation and the disposal process put into place for excess military property under the base closure and realignment process and the possible effects of title II on the operational requirements for the Armed Forces in Hawaii. I'm concerned that the reuse and disposal of excess property at Naval Air Station Barbers Point will be seriously disrupted by this bill. Title II also holds open the prospect that the Department of Defense, particularly the Navy, could be evicted from certain lands essential for the continued performance of the Department's national defense mission merely to satisfy land claims of possibly dubious merit.

Mr. Speaker, it is my understanding that the Department of Defense and the Department of the Navy have expressed grave concern about the enactment of title II of H.R. 402. The Department may have legitimate concerns or the Department may be overreacting. We don't know because there have been no hearings on title II of which I am aware. In my view, we should have a better understanding of the implications of running with the Senate amendment before proceeding.

I would prefer sending this bill back to the Senate without title II. That would allow the underlying measure concerning Alaskan Native claims to proceed, but would also allow us some time to take a look at the Senate amendment.

□ 1545

Mr. ABERCROMBIE. Mr. Speaker, will the gentleman yield?

Mr. HEFLEY. I yield to the gentleman from Hawaii.

Mr. ABERCROMBIE. Mr. Speaker, I recognize the concerns of the gentleman from Colorado [Mr. HEFLEY] and telephoned him earlier today when I became aware of the mirrors that had been raised this late in the game. I did not see the particular memorandum to which he referred in much of his remarks until just about an hour or less than an hour before these proceedings.

I can assure the gentleman as well as the gentleman from Alaska [Mr. YOUNG], that, had I been aware of some of these presumed objections earlier, I certainly would have brought to everyone's attention.

The fact is, if the gentleman will allow me just a few moments to go over the history very quickly here, this particular section in title II has been before the Congress for 15 months now. Apparently the Department of Defense discovered it in August of this year. That may be more of a reflection on the capabilities of the Department of Defense to get its work done than it is on the deliberative processes in either body in our national legislature.

I regret to say, Mr. Speaker, that the memorandum prepared for Mr. Mark Wagner, the Assistant Secretary for Defense Economic Security, whatever that is, on the subject of the Department of Hawaiian Home Lands, dated August 7, 1995, was written by a deputy, which amounts to, I am afraid, a series of editorial comments having no factual basis in the legislation. It is a little bit difficult to respond to what amounts to ad hominem commentary, but I will do my best to do that.

Mr. Speaker, there is also another memo dated August 29 of this year from the Department of Defense to the Office of Management and Budget which goes to several points. It states, and I want to indicate this to the gentleman from Alaska [Mr. YOUNG] and to the gentleman from Colorado [Mr. HEFLEY], that the Department is not discussing the merits of the claims in the memo, which I find extraordinary. If it is not discussing the merits of the claims, why is it discussing it at all?

I will repeat that. The Department is not discussing the merits of the claims. The claims go to two or three points that the gentleman from Colorado [Mr. HEFLEY] correctly raised as a result of receiving these memos.

The applicability of property at military installations closed or realigned pursuant to the base closure law, potential displacement from property essential for the performance of mission, and creation of special appraisal standards.

I can assure the gentleman, and I am sure the gentleman from Alaska [Mr. YOUNG] will in turn assure the gentleman, that the legislation as written in 402 and in section 2 does not in any way obviate any of those purposes of the base closure law or any performance of mission, nor anything having to do with special appraisal standards. The comments are entirely editorial in nature and amount to ad hominem commentary.

I can, if the gentleman from Alaska [Mr. YOUNG] desires it or the gentleman from Colorado [Mr. HEFLEY] desires it, submit in detail for the record or say it now on the floor point by point with a refutation, if you will, of these concerns. I can assure the gentlemen it is neither the intent of the legislation nor is the content of the language so far as I am able to determine, that any of these concerns are anything other than editorial abstractions.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to add to the comments of the gentleman from Hawaii.

I understand the concern of the gentleman from Colorado. In my opening statement I mentioned that I was very concerned. This is not a new issue. I was, first, not notified by the Navy nor the national security branch that, so when I did find out that this possibly occurred, I contacted not only the two senior Senators from Hawaii, I also contacted by senior Senator from Alaska.

I know I am not supposed to mention the other body. They said there was no problem. They had had the review and decided that these concerns were unwarranted. So I am still a little bit concerned that the Navy, after 15 months, now would editorialize and throw up this sort of smokescreen, if I may call it. Really what it means is they just do not want to get rid of anything they have, even though it is for a legitimate reason and a legitimate right, and to have justice served, this provision should be adopted.

It bothers me because, if this is a brandnew issue, it has been sprung on the House, it would be a different story. It was not sprung on the House. This has been around for a long, long time. We hear Friday now that these things may occur which, as was said before, there is no documentation, in fact backing up their premise.

So I am urging my Members to reject the argument from the Navy because I think they are flat wrong.

Mr. ABERCROMBIE. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Alaska. I yield to the gentleman from Hawaii.

Mr. ABERCROMBIE. Mr. Speaker, I hope the gentleman agrees with me that perhaps there is not even an argument being made so much as questions being raised. To that degree, if I may be granted just a moment or two more both for the benefit of our colleagues, the committee, and for the gentleman from Colorado [Mr. HEFLEY], with whom I have worked very, very closely and for whom I have great respect. If the gentleman will just give me a moment, I will state for the record so that it is explicit, Mr. Speaker.

With respect to H.R. 402 and the base closure, commonly known as the BRAC, all the decisions to close and realign bases in Hawaii or elsewhere will continue to stand and will not be affected by this legislation.

With respect to the Barbers Point situation, Barbers Point Naval Air Station, which is the most recent base closure report proposed, proposed by the BRAC Commission, a modification to the previous base closure decision, H.R. 402 will not interfere with that decision to implement the modified closure decision at Barbers Point.

On the base reuse and local reuse issue, which was raised, on the question of title II of H.R. 402 and affecting the reuse of Hawaii military bases or any other bases under the BRAC by the local reuse committees, let me make the following points: the bill contains a very tight restriction on the ability of the Department of Hawaiian Home Lands to obtain base closure properties in order to secure a favorable CBO scoring of the bill. The legislation excludes—and this is for everything in

the legislation, not just title II, as the gentleman from Alaska [Mr. YOUNG] knows—the legislation excludes any Federal lands that would generate income or would be expected to generate income for the Federal Government.

This restriction appears in the bill in three separate instances and represents a major hurdle for the acquisition of base closure property by anybody in those circumstances, including Hawaiian homeland.

Second, I pointed out that the CBO and the Department of Defense expect that any reuse of the Barbers Point land would generate income for the Federal Government. I should also note that Barbers Point is the only site in Hawaii that is eligible for reuse under the base closure process. Given the fact that no lands that could generate revenue for the Federal Government would be eligible for acquisition under this bill, a transfer of Barbers Point land to the Department of Hawaiian Home Lands does not appear to be a question.

Finally, I understand the Department of Defense has raised a concern that H.R. 402 might disadvantage the interests of base reuse committees in Hawaii. Let me reassure my colleagues, there is no legislative language to that effect, nor no intent to that effect or in this regard. This concern is without substance.

As I pointed out earlier, we have a rather unique situation at the Barbers Point Naval Air Station in which the most recent base closure report proposal had a modification to the previous base closure decision.

I will tell the Members what that modification is. It is to ensure that the Navy keeps the beaches, the recreational beaches. I have an idea, Mr. Speaker and Mr. HEFLEY, that this whole thing has been generated because there they are afraid that possibly some objections might be raised that the beaches in and the cottages attendant to the beaches might somehow fall into the hands of the Hawaiian people.

I will state for the record here that I voted for the Base Closure Commission report, the modified report, in which it says the two beaches—and I can name the beaches for you, I have them here, Nimitz Beach and White Plains Beach, beach recreational areas. That is the modification, to retain them, that they will be in there.

All I am asking for is access to them. I am perfectly content to have the Navy retain the beaches in Hawaii as vital to the necessary strategic military importance of the United States in the Pacific. But to have an entire bill that has been worked out in good faith on a bipartisan basis for the better part of 2½ years, to be objected to at this point or subject to some kind of scrutiny other than on the basis of the merits, seems to be outrageous.

The Navy can have the beaches. Can we please have the bill?

That was a rhetorical pause. Maybe we could exchange beaches, Mr. Speaker, for some beaches in Alaska, perhaps above the Arctic Circle. Do you think they would be interested in that exchange?

Mr. YOUNG of Alaska. Mr. Speaker, I am confident the Navy would not be interested in beaches in Alaska.

Mr. Speaker, I again stress for my colleagues to vote for this legislation. It is long overdue.

I am very concerned, as the gentleman from Hawaii has mentioned, that at this late date that these questions might arise. It is an example, I think, of some incompetency down in the department, and I say that with some reservation in the sense I cannot blame everybody, maybe just one enthusiastic individual. I know Secretary Dalton has been talked to. I had hoped that there would be a total turndown of this and I expect that before we do vote on this legislation, if we vote on this legislation.

Mr. FALEOMAVAEGA. Mr. Speaker, in 1921 Congress enacted the Hawaiian Homes Commission Act to preserve and protect a way of life for native people on the Islands of Hawaii. The act put aside approximately 200,000 acres of land for the exclusive use and benefit of native Hawaiians. The purpose was to use these lands as a homesteading program to return native Hawaiians to their lands.

Unfortunately, the program was destined to fail from the outset. Between 1921 and 1959 when Hawaii became a State, the program was administered by the Federal Government through a succession of territorial Governors. During Federal control, large portions of the lands were withdrawn. All the best and most productive lands were taken, leaving mostly marginal lands which couldn't support housing or agriculture. The native Hawaiian community received no benefit from the lands taken.

In 1984 much of the land was returned but the Federal Government both continued to retain the best lands and provided no compensation for lost use.

Title II of H.R. 402 sets up a process whereby the Federal Government can exchange Federal lands within the State of Hawaii as a means of settling claims against the United States. The Secretary of the Interior would also be authorized to convey lands to the Department of Hawaiian Home Lands as compensation for lost use of those lands.

To be honest, I wish this bill went further and demanded back the valuable lands stolen from the native Hawaiians against the directive of the Congress. However, I defer to the wisdom of the only native Hawaiian to serve in the U.S. Senate, my good friend the Senator of Hawaii who authored this legislation. I also want to commend my colleagues Mr. ABERCROMBIE and Mrs. MINK for their efforts in moving this legislation.

I urge my colleagues to support this bill.

Mr. ABERCROMBIE. Mr. Speaker, I yield back the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I urge passage of this very important legislation for the good of all.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FOLEY). The question is on the motion offered by the gentleman from Alaska [Mr. YOUNG] that the House suspend the rules and concur in the Senate amendment to H.R. 402.

The question was taken.

Mr. RICHARDSON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1600

PROVIDING FOR CONSIDERATION OF H.R. 39, FISHER CONSERVATION AND MANAGEMENT AMENDMENTS OF 1995

Mr. YOUNG of Alaska. Mr. Speaker, I offer a unanimous-consent request.

The SPEAKER pro tempore (Mr. FOLEY). The Clerk will report the unanimous consent request.

The Clerk read as follows:

Mr. YOUNG of Alaska asks unanimous consent that at any time hereafter the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 39) to amend the Magnuson Fishery Conservation and Management Act to improve fisheries management, and that consideration of the bill proceed according to the following order. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed 1 hour equally divided and controlled by the chairman and ranking minority member of the Committee on Resources. After general debate the bill shall be considered for amendment under the 5-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule the amendment in the nature of a substitute recommended by the Committee on Resources now printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

Mr. MILLER of California. Mr. Speaker, reserving the right to object, if I might, I would enter into a colloquy with the gentleman from Alaska [Mr. YOUNG]. I would like to have the gentleman clarify a point on H.R. 39 of the Magnuson Act reauthorization.

Is it the intention of the Chairman of the Committee that we will only consider the bill under general debate today, and rise to consider the bill for amendment at some later date?

Mr. YOUNG of Alaska. Mr. Speaker, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Speaker, the gentleman is correct. Some Members are interested in offering amendments to H.R. 39 who would be unable to participate this afternoon. Therefore, it is my intent to ask that the Committee rise after conclusion of general debate and, if I may continue, with my understanding with my good friend, the gentleman from California, that eventually this bill will pass this House to get over to the Senate after we consider all amendments that are to be offered. We must proceed, because this has been sunsetted now for 1½ years, so we would like to get it done.

Mr. MILLER of California. I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

There was no objection.

SHENANDOAH VALLEY NATIONAL BATTLE FIELD PARTNERSHIP ACT OF 1995

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1091) to improve the National Park System in the Commonwealth of Virginia, as amended.

The Clerk read as follows:

H.R. 1091

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—RICHMOND NATIONAL BATTLEFIELD PARK

SEC. 101. MODIFICATION OF BOUNDARY.

The first section of the Act of March 2, 1936 (Chapter 113; 49 Stat. 1155), is amended to read as follows:

''SECTION 1. (a) In order to preserve the site of the 1862 Peninsula Campaign and the 1864–65 battle of Richmond, in the vicinity of Richmond, Virginia, as a national battlefield park for the benefit and inspiration of the people of the United States, there is hereby established, subject to existing rights, the Richmond National Battlefield Park (hereinafter in this Act referred to as the 'Park').

''(b) The Park shall consist of—

''(1) lands, waters, and interests therein within the area generally depicted on the map entitled 'Richmond National Battlefield Park, Land Status Map', numbered 367/92,000, and dated September 1993; and

''(2) upon donation of title acceptable to the Secretary of the Interior (and acceptance by the Secretary), the following tracts: a tract of 750 acres at Malvern Hill, a tract of 15 acres at Beaver Dam Creek, a tract of 100 acres at Cold Harbor, and a tract of 42 acres at Bethesda Church.

''(c) As soon as practicable, the Secretary of the Interior shall complete a boundary map (including tracts referred to in subsection (b)(2)) for the Park. The map required by this subsection and the map referred to in subsection (b)(1) shall be on file and available for public inspection in the office of the National Park Service, Department of the Interior.

''(d) The Congress recognizes the national significance of the Battle of New Market Heights and declares it to be in the public interest to ensure the preservation of the New Market Heights Battlefield so that an important aspect of American history can be interpreted to the public. The Congress directs the Secretary to work cooperatively with the Commonwealth of Virginia, the county of Henrico, Virginia, and property owners within or impacted by the battlefield area to develop alternatives to ensure implementation of these goals. The Secretary shall submit a report outlining such alternatives to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate no later than June 1, 1996.''.

SEC. 102. REPEAL OF PROVISION REGARDING PROPERTY ACQUISITION.

The Act of March 2, 1936 (Chapter 113; 49 Stat. 1155), is amended by striking section 2.

SEC. 103. ADMINISTRATION.

Section 3 of the Act of March 2, 1936 (Chapter 113; 49 Stat. 1156), is redesignated as section 2 and is amended by striking the period and inserting '', and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461–467).''.

TITLE II—SHENANDOAH NATIONAL PARK

SEC. 201. MODIFICATION OF BOUNDARY.

(a) IN GENERAL.—The boundary of Shenandoah National Park is hereby modified to include only those lands and interests therein that, on the day before the date of the enactment of this Act, were in Federal ownership and were administered by the Secretary of the Interior (hereinafter in this title referred to as the ''Secretary'') as part of the park. So much of the Act of May 22, 1926 (Chapter 363; 44 Stat. 616) as is inconsistent herewith is hereby repealed.

(b) MINOR BOUNDARY ADJUSTMENTS AND LAND ACQUISITION.—

(1) MINOR BOUNDARY ADJUSTMENTS.—The Secretary is authorized to make minor adjustments to the boundary of Shenandoah National Park, as modified by this title, to make essential improvements to facilitate access to trailheads to the park that exist on the day before the date of the enactment of this title, in cases in which there are no practicable alternatives to such adjustments.

(2) LIMITATIONS ON LAND ACQUISITION.—

(A) IN GENERAL.—Except as otherwise provided in this subsection, the Secretary may acquire lands and interests therein under this subsection only by donation.

(B) ADDITIONAL RESTRICTIONS.—When acting under this subsection—

(i) the Secretary may add to the Shenandoah National Park only lands and interests therein that are contiguous with Federal lands administered by the Secretary as part of the park;

(ii) prior to accepting title to any lands or interests therein, the Secretary shall hold a public meeting in the county in which such lands and interests are located;

(iii) the Secretary shall not alter the primary means of access of any private landowner to the lands owned by such landowner; and

(iv) the Secretary shall not cause any property owned by a private individual, or any group of adjacent properties owned by private individuals, to be surrounded on all sides by land administered by the Secretary as part of the park.

(c) MITIGATION OF IMPACTS AT ACCESS POINTS.—The Secretary shall take all reasonable actions to mitigate the impacts associated with visitor use at trailheads around the perimeter of Shenandoah National Park. The Secretary shall enlist the cooperation of the State and local jurisdictions, as appropriate, in carrying out this subsection.

SEC. 202. REQUIREMENT OF TRANSFER OF COUNTY ROAD CORRIDORS.

(a) STATEMENT OF PURPOSE.—It is the purpose of this section to permit the Commonwealth of Virginia to maintain and provide for safe public use of certain roads that the Commonwealth donated to the Federal Government at the time of the establishment of Shenandoah National Park.

(b) REQUIREMENT OF TRANSFER.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Interior shall transfer to the Commonwealth of Virginia, without consideration or reimbursement, all right, title, and interest of the United States in and to all county road corridors that were located within the Shenandoah National Park on the day before the date of the enactment of this Act and are removed from such Park by the boundary modification made by section 201.

(c) REVERSION.—Each transfer pursuant to this section shall be made subject to the condition that if, at any time, any county road corridor so transferred is no longer used as a public roadway, all right, title, and interest in the county road corridor shall revert to the United States.

(d) DEFINITIONS.—For purposes of this section:

(1) COUNTY ROAD CORRIDOR.—The term ''county road corridor'' means a corridor that is comprised of any Shenandoah county road together with an amount of land, which is contiguous with the road and which is selected by the Secretary of the Interior in consultation with the Governor of the Commonwealth of Virginia, such that the total width of the corridor is 50 feet.

(2) SHENANDOAH COUNTY ROAD.—The term ''Shenandoah county road'' means any portion of a road that is open to public vehicle usage and that, on the date of the enactment of this Act, constitutes part of—

(A) Madison County Route 600;
(B) Rockingham County Route 624;
(C) Rockingham County Route 625;
(D) Rockingham County Route 626;
(E) Warren County Route 604;
(F) Page County Route 759;
(G) Page County Route 611;
(H) Page County Route 682;
(I) Page County Route 662;
(J) Augusta County Route 611;
(K) Augusta County Route 619;
(L) Albemarle County Route 614;
(M) Augusta County Route 661;
(N) Rockingham County Route 663;
(O) Rockingham County Route 659;
(P) Page County Route 669;
(Q) Rockingham County Route 661;
(R) Criser Road (to Town of Front Royal); or
(S) the government-owned parcel connecting Criser Road to the Warren County School Board parcel.

TITLE III—COLONIAL NATIONAL HISTORICAL PARK

SEC. 301. MODIFICATION OF BOUNDARY.

Notwithstanding the provisions of the Act of June 28, 1938 (52 Stat. 1208; 16 U.S.C. 81b, 81d), limiting the average width of the Colonial Parkway, the Secretary of the Interior (hereinafter in this title referred to as the ''Secretary'') is authorized to include within the Colonial National Historical Park, and to acquire by purchase, donation or exchange, lands and interests in lands (with or without improvements) within the areas depicted on the map dated August 1993, numbered 333/80031A, and entitled ''Page Landing Addition to Colonial National Historical Park''. Such map shall be on file and available for inspection in the offices of the National Park Service at Colonial National Historical Park and in Washington, District of Columbia.

SEC. 302. TRANSFER OF SEWAGE DISPOSAL SYSTEM AND RIGHTS-OF-WAY.

(a) IN GENERAL.—The Secretary is authorized to transfer, without reimbursement (except as provided in subsection (c)), to York County, Virginia, any portion of the existing sewage disposal system, including related improvements and structures, that is owned by the United States and located within the Colonial National Historical Park, together with such rights-of-way as the Secretary determines to be necessary to maintain and operate such system.

(b) REPAIR AND REHABILITATION OF SYSTEM.—The Secretary is authorized to enter into a cooperative agreement with York County, Virginia, under which the Secretary will pay a portion, not to exceed $110,000, of the costs of repair and rehabilitation of the sewage disposal system referred to in subsection (a).

(c) EFFECT OF AGREEMENT ON CHARGES, IMPACT, AND ALTERATIONS.—In consideration for the rights-of-way granted under subsection (a), in recognition of the contribution authorized under subsection (b), and as a condition of the transfer authorized by subsection (a), the cooperative agreement under subsection (b) shall provide for a reduction in, or the elimination of, the amounts charged to the National Park Service for its sewage disposal with respect to the Colonial National Historical Park, shall provide for minimizing the impact of the park's sewage disposal system on the park and its resources, and shall provide that such system may not be enlarged or substantially altered without the concurrence of the director of the National Park Service.

SEC. 303. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $110,000 to carry out section 302 and $830,000, or the current appraised value of the lands and interests in lands referred to in section 301, whichever is lower, to carry out section 301.

TITLE IV—SHENANDOAH VALLEY BATTLEFIELDS

SEC. 401. SHORT TITLE.

This title may be cited as the ''Shenandoah Valley Battlefields Partnership Act of 1995''.

SEC. 402. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) there are situated in the Shenandoah Valley in the Commonwealth of Virginia the sites of several key Civil War battles;

(2) certain sites, battlefields, structures, and districts in the Shenandoah Valley are collectively of national significance in the history of the Civil War;

(3) in 1990, the Congress enacted legislation directing the Secretary of the Interior to prepare a comprehensive study of significant sites and structures associated with Civil War battles in the Shenandoah Valley;

(4) the study, which was completed in 1992, found that many of the sites within the Shenandoah Valley possess national significance and retain a high degree of historical integrity;

(5) the preservation of Civil War sites within a regional framework requires cooperation among local property owners and Federal, State, and local government entities; and

(6) partnerships between Federal, State, and local governments, the regional entities of such governments, and the private sector offer the most effective opportunities for the enhancement and management of the Civil War battlefields and related sites in the Shenandoah Valley.

SEC. 403. STATEMENT OF PURPOSE.

The purposes of this title are to—

(1) preserve, conserve, and interpret the legacy of the Civil War in the Shenandoah Valley;

(2) recognize and interpret important events and geographic locations representing key Civil War battles in the Shenandoah Valley, including those battlefields associated with the Thomas J. (Stonewall) Jackson campaign of 1862 and the decisive campaigns of 1864;

(3) recognize and interpret the effect of the Civil War on the civilian population of the Shenandoah Valley during the war and postwar reconstruction period; and

(4) create partnerships among Federal, State, and local governments, the regional entities of such governments, and the private sector to preserve, conserve, enhance, and interpret the nationally significant battlefields and related sites associated with the Civil War in the Shenandoah Valley.

SEC. 404. DEFINITIONS.

For purposes of this title:

(1) BATTLEFIELD.—The term ''battlefield'' means 1 of 15 battlefields in the Shenandoah Valley, as identified in the report.

(2) COMMISSION.—The term ''Commission'' means the Shenandoah Valley Battlefields Commission established by section 409.

(3) HISTORIC CORE.—The term ''historic core'' means the area that is so defined in the report, encompasses important components of a battle, and provides a strategic context and geographic setting for understanding the battle.

(4) HISTORIC PARK.—The term ''historic park'' means the Shenandoah Battlefields National Historic Park established under section 405(b).

(5) PLAN.—The term ''plan'' means the Shenandoah Valley Battlefields plan approved by the Secretary under section 406.

(6) REPORT.—The term ''report'' means the report prepared by the Secretary pursuant to the Civil War Sites Study Act of 1990 (Public Law 101–628; 16 U.S.C. 1a–5 note).

(7) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(8) SHENANDOAH VALLEY.—The term ''Shenandoah Valley'' means the Shenandoah Valley in the Commonwealth of Virginia.

SEC. 405. SHENANDOAH VALLEY BATTLEFIELDS NATIONAL HISTORIC PARK.

(a) AUTHORIZATION.—To carry out the purposes of this title, there is hereby authorized to be established the Shenandoah Valley Battlefields National Historic Park in the Commonwealth of Virginia. The Secretary shall establish in the Shenandoah Valley an administrative office and a location to provide information and interpretation with respect to the battlefields.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—The Shenandoah Valley Battlefields National Historic Park is hereby established upon publication by the Secretary in the Federal Register that—

(A) the Secretary has determined that the historic core of one or more of the battlefields is protected adequately to ensure the long-term preservation of the historic core in accordance with the plan; and

(B) the Secretary accepts administrative jurisdiction of such historic core.

(2) CONTENTS OF HISTORIC PARK.—The historic park shall consist of each historic core with respect to which the Secretary publishes a notice under paragraph (1).

(c) ADMINISTRATION.—The Secretary shall administer the historic park in accordance with this title and with provisions of law generally applicable to the National Park System, including the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2, 3, 4) and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461–467). The Secretary shall protect, manage, and administer the historic park for the purposes of preserving and interpreting its natural, cultural, and historic resources and of providing for public understanding and appreciation of the battlefields, in such a manner as to perpetuate these qualities and values for future generations.

(d) LAND ACQUISITION.—If a historic core is included in the historic park—

(1) the Secretary may accept title from any private entity to any lands or interests therein within the historic core; and

(2) the Secretary may acquire from any willing seller lands and interests therein within the boundary of the historic core if the Secretary determines that such acquisition is essential to avoid significant changes to land use which the Secretary determines would have a significant adverse effect on the historic character of the historic core.

(e) LIVING HISTORY DEMONSTRATIONS AND BATTLEFIELD ENACTMENTS.—The Secretary shall allow, at any location in the historic park, any living history demonstration or battlefield reenactment that is the same as or substantially similar to a demonstration or reenactment that occurred at such location at any time during the 12-month period ending on the date of the enactment of this Act. The Secretary may allow, at any location in the historic park, any living history demonstration or battlefield reenactment that is not described in the preceding sentence but that the Secretary determines to be appropriate.

SEC. 406. SHENANDOAH VALLEY BATTLEFIELDS PLAN.

(a) IN GENERAL.—The historic park shall be managed by the Secretary pursuant to this title and the Shenandoah Valley Battlefields plan developed by the Commission and approved by the Secretary, as provided in this section.

(b) SPECIFIC PROVISIONS.—The plan shall include—

(1) provisions for the management, protection, and interpretation of the natural, cultural, and historical resources of the battlefields, consistent with the purposes of this title;

(2) identification of the historic cores that are appropriate for administration by the Secretary;

(3) a determination of the level of protection that is adequate to ensure the long-term preservation of each of the historic cores that is identified under paragraph (2) and measures recommended to accomplish such protection, which may include (but need not be limited to) conservation easements, local zoning, transfer of development rights, or ownership by an entity dedicated to preservation of the historic resources of the battlefields;

(4) recommendations to the Commonwealth of Virginia (and political subdivisions thereof) regarding the management, protection, and interpretation of the natural, cultural, and historical resources of the battlefields;

(5) the information described in section 12(b) of Public Law 91–383 (16 U.S.C. 1a–7(b)) (pertaining to the preparation of general management plans);

(6) identification of appropriate partnerships between the Secretary, Federal, State, and local governments and regional entities, and the private sector, in furtherance of the purposes of this title;

(7) proposed locations for visitor contact and major interpretive facilities;

(8) provisions for implementing a continuing program of interpretation and visitor education concerning the resources and values of the battlefields and historic core areas;

(9) provisions for a uniform valley-wide historical marker and wayside exhibit program, including a provision for marking, with the consent of the owner, historic structures and properties that are contained

within and contribute to the understanding of the battlefields; and

(10) recommendations for means of ensuring continued local involvement and participation in the management, protection, and development of the battlefields.

(c) PREPARATION OF DRAFT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date on which the Commission conducts its first meeting, the Commission shall submit to the Secretary a draft plan that meets the requirements of subsection (b).

(2) ADDITIONAL REQUIREMENTS.—Prior to submitting the draft plan to the Secretary, the Commission shall ensure that—

(A) the Commonwealth of Virginia, and any political subdivision thereof that would be affected by the plan, receives a copy of the draft plan;

(B) adequate notice of the availability of the draft plan is provided through publication in appropriate local newspapers in the area of the battlefields; and

(C) at least one public hearing in the vicinity of the battlefields in the upper Shenandoah Valley and one public hearing in the vicinity of the battlefields in the lower Shenandoah Valley is conducted by the Commission with respect to the draft plan.

(d) REVIEW OF PLAN BY THE SECRETARY.—The Secretary shall review the draft plan submitted under subsection (c) and, not later than 90 days after the date on which the draft plan is submitted, shall either—

(1) approve the draft plan as the plan; or

(2) reject the draft plan and recommend to the Commission modifications that would make the draft plan acceptable.

SEC. 407. COOPERATIVE AGREEMENTS.

(a) IN GENERAL.—In furtherance of the purposes of this title, the Secretary may establish partnerships and enter into cooperative agreements concerning lands, and interests therein, within the battlefields with other Federal, State, or local agencies and private persons or organizations.

(b) HISTORIC MONUMENTS.—The Secretary may enter into an agreement with the owner of property that is located in the battlefields and on which an historic monument or tablet commemorating a relevant battle has been erected prior to the date of the enactment of this Act. The Secretary may make funds available for the maintenance, protection, and interpretation of the monument or tablet, as the case may be, pursuant to the agreement.

(c) AGREEMENTS AND PARTNERSHIPS NOT DEPENDENT ON INCLUSION IN HISTORIC PARK.—The Secretary may establish a partnership or enter into an agreement under this section with respect to a battlefield regardless of whether or not the historic core area of the battlefield is included in the historic park.

SEC. 408. TECHNICAL ASSISTANCE PROGRAM.

(a) TECHNICAL ASSISTANCE TO PROPERTY OWNERS.—The Secretary may provide technical assistance to owners of property located within the battlefields to provide for the preservation and interpretation of the natural, cultural, and historical resources within the battlefields.

(b) TECHNICAL ASSISTANCE TO GOVERNMENTAL ENTITIES.—The Secretary, after consultation with the Commission, may award grants and provide technical assistance to governmental entities to assist with the planning, development, and implementation of comprehensive plans, land use guidelines, regulations, ordinances, or other appropriate documents, that are consistent with and designed to protect the historic character of the battlefields.

(c) ASSISTANCE NOT DEPENDENT ON INCLUSION IN PARK.—The Secretary may provide assistance under this section with respect to a battlefield or historic core area regardless of whether or not the battlefield or historic core area is included in the Park.

SEC. 409. SHENANDOAH VALLEY BATTLEFIELDS COMMISSION.

(a) ESTABLISHMENT.—There is hereby established the Shenandoah Valley Battlefields Commission.

(b) MEMBERSHIP.—The Commission shall be composed of 19 members, to be appointed by the Secretary as follows:

(1) 5 members representing local governments of communities in the vicinity of the battlefields, appointed after the Secretary considers recommendations made by appropriate local governing bodies.

(2) 10 members representing property owners within the battlefields (1 member within each unit of the battlefields).

(3) 1 member with demonstrated expertise in historic preservation.

(4) 1 member who is a recognized historian with expertise in Civil War history.

(5) 1 member from a list of recommendations made by the Governor of Virginia.

(6) 1 member representing the interests of the National Park Service.

(c) APPOINTMENTS.—Members shall be appointed for the life of the Commission.

(d) ELECTION OF OFFICERS.—The Commission shall elect one of its members as Chairperson and one as Vice Chairperson. The terms of office of the Chairperson and Vice Chairperson shall be 2 years. The Vice Chairperson shall serve as Chairperson in the absence of the Chairperson.

(e) VACANCY.—Any vacancy on the Commission shall be filled in the same manner in which the original appointment was made, except that the Secretary shall fill any vacancy within 30 days after the vacancy occurs.

(f) QUORUM.—A majority of the Commission shall constitute a quorum.

(g) MEETINGS.—The Commission shall meet at the call of the Chairperson or a majority of the members of the Commission, but not less than quarterly. Notice of Commission meetings and agendas for the meetings shall be published in local newspapers that have a distribution throughout the Shenandoah Valley. Commission meetings shall be held at various locations throughout the Shenandoah Valley and in a manner that ensures adequate public participation.

(h) STAFF OF THE COMMISSION.—The Commission shall have the power to appoint and fix the compensation of such staff as may be necessary to carry out its duties.

(i) ADMINISTRATIVE SUPPORT SERVICES.—The Administrator of the General Services Administration shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

(j) FEDERAL AGENCIES.—Upon request of the Commission, the head of any Federal agency may detail to the Commission, on a reimbursable basis, personnel of the agency to assist the Commission in carrying out its duties.

(k) SUBPOENAS.—The Commission may not issue subpoenas or exercise any subpoena authority.

(l) EXPENSES.—Members of the Commission shall serve without compensation, but the Secretary may reimburse members for expenses reasonably incurred in carrying out the responsibilities of the Commission under this title.

(m) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(n) GIFTS.—The Commission may, for purposes of carrying out the duties of the Commission, seek, accept, and dispose of gifts, bequests, or donations of money, personal property, or services, received from any source.

(o) TERMINATION.—The Commission shall terminate upon the expiration of the 45-day period beginning on the date on which the Secretary approves the plan under section 406(d).

SEC. 410. DUTIES OF THE COMMISSION.

The Commission shall—

(1) develop the plan and draft plan referred to in section 406, in consultation with the Secretary;

(2) advise the Secretary with respect to the battlefields;

(3) assist the Commonwealth of Virginia, and any political subdivision thereof, in the management, protection, and interpretation of the natural, cultural, and historical resources within the battlefields, except that the Commission shall in no way infringe upon the authorities and policies of the Commonwealth of Virginia or any political subdivision thereof; and

(4) take appropriate action to encourage protection of the natural, cultural, and historic resources within the battlefields by landowners, local governments, organizations, and businesses.

SEC. 411. TERMINATION OF INCLUSION IN HISTORIC PARK.

(a) IN GENERAL.—A historic core that becomes part of the historic park shall continue to be included in the historic park unless—

(1) the Secretary determines that the protection of the historic core no longer meets the requirements of section 405(b)(1)(A); and

(2) after making a determination referred to in paragraph (1), the Secretary submits to the Congress notification that the historic core should cease to be included in the historic park.

(b) PUBLIC HEARING.—Before the Secretary makes a determination referred to in subsection (a)(1) regarding a historic core, the Secretary or a designee shall hold a public hearing within the vicinity of the historic core.

(c) TIME OF TERMINATION OF INCLUSION.—

(1) IN GENERAL.—A historic core shall cease to be included in the historic park upon the expiration of 90 legislative days after the Secretary submits to the Congress the notification referred to in subsection (a)(2) regarding the historic core.

(2) LEGISLATIVE DAY.—For purposes of this subsection, the term ''legislative day'' means any calendar day on which both Houses of the Congress are in session.

SEC. 412. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated not more than $5,000,000 for development of the historic park, not more than $2,000,000 for land acquisition pursuant to this title, not more than $500,000 to carry out the purposes of sections 407 and 408, and not more than $250,000 for any fiscal year for the operation of the Commission.

TITLE V—CUMBERLAND GAP NATIONAL HISTORICAL PARK

SEC. 501. ADDITION OF LANDS.

(a) AUTHORITY.—Notwithstanding the Act of June 11, 1940 (16 U.S.C. 261 et seq.), the Secretary of the Interior is authorized to acquire by donation, purchase with donated or appropriated funds, or exchange not to exceed 10 acres of land or interests in land, which shall consist of those necessary lands for the establishment of trailheads to be located at White Rocks and Chadwell Gap.

(b) ADMINISTRATION.—Lands and interests in lands acquired pursuant to subsection (a) shall be added to and administered as part of Cumberland Gap National Historical Park.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

Utah [Mr. HANSEN] will be recognized for 20 minutes and the gentleman from New Mexico [Mr. RICHARDSON] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

(Mr. HANSEN asked and was given permission to revise and extend his remarks.)

Mr. HANSEN. Mr. Speaker, I rise in strong support of H.R. 1091, legislation to improve the National Park System in the Commonwealth of Virginia.

Mr. Speaker, this is a comprehensive bipartisan bill which makes improvements to various park areas in the Commonwealth of Virginia. First, the bill resolves boundary questions at two parks, Shenandoah National Park and Richmond National Battlefield, where the park boundary now includes hundreds of thousands of acres of non-Federal, non-park-quality lands. These unmanageable boundaries have been a source of significant concern to private property owners and local governments alike. This bill shrink-wraps boundaries at those parks to generally conform to lands currently owned by the Federal Government or lands anticipated to be added to the parks in the near future.

Under the title pertaining to Richmond National Battlefield, the bill provides for a substantial expansion of the existing 770-acre park by authorizing the NPS to accept a donation totalling 907 acres with important Civil War features. The bill also directs the Secretary to develop a proposal to ensure protection of the New Market Heights Battlefield, a significant site where 14 African-Americans earned the Congressional Medal of Honor.

By establishing reasonable boundaries for both Shenandoah National Park and Richmond Battlefield, these areas will be placed on equal footing with the other 360-plus areas administered by the NPS which have reasonable fixed boundaries. After enactment of this legislation, future boundary adjustments at these parks will be made by Congress, rather than the park superintendent.

The bill also transfers 19 road corridors at Shenandoah National Park, totaling 16 acres out of the 196,500-acre park, from the NPS back to the Commonwealth for their administration and management. Along with nearly all the land currently within the park, these roads were donated by the Commonwealth to the Federal Government at the time of park establishment in the 1930's. However, recently, the NPS has advised the Commonwealth that NPS has no authority to permit the Commonwealth to continue to maintain these roads. The Commonwealth is now seeking to have these roads returned to their ownership so that they can manage them and continue such uses as transporting children to schools.

Title III of the bill expands the boundary of the existing Colonial National Parkway by 15 acres at its narrowest point and provides for the county to take over an existing utility line to private residents within the park. This legislation is nearly identical to a bill which passed the House last session.

Title IV of the bill authorizes a new park area in the Shenandoah Valley to recognize a number of important Civil War battles which occurred there. However, the bill provides that the park will not be established unless the State and local governments, and the private sector, make a significant contribution to the preservation of these significant Civil War sites. Only if the Secretary finds that these resources are adequately protected by these other entities is he permitted to establish the park. Further, if these partners retreat from their commitments to preserve these sites, the bill provides for the deauthorization of the park.

The overall cost of this title has been reduced from about $25 million—as introduced—to $7 million, with the balance of the cost to be picked up by the other partners in the overall effort to preserve these sites. This is the type of partnership effort which will be required in any new park areas.

A new title V, as requested by Mr. BOUCHER, authorizes the acquisition of essential land at Cumberland Gap National Historical Park to ensure continued trail access to the park.

It is important to point out what this bill does in balance. We are deleting over 585,000 acres from the authorized boundaries of two parks and establishing a new park where the Federal Government will never own or administer more than a few thousand acres.

It is a good bill with bipartisan support from the six Members from Virginia who represent all of the areas within this bill. The measure is also supported by State and local governments, private landowners and such groups as the National Trust for Historic Preservation and the Association for the Preservation of Civil War Sites.

I commend this bill to my colleagues and urge them to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. RICHARDSON. Mr. Speaker, I yield myself such time as I may consume.

(Mr. RICHARDSON asked and was given permission to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, two very distinguished Members and friends of mine are sponsoring this bill, the gentlemen from Virginia [Mr. BLILEY and Mr. WOLF]. This is important as we deliberate any bill. I have to express some concerns with the bill, the content, and basically the question I am asking is, what is the rush with the Richmond and Shenandoah park proposals? What we have is boundary studies underway. This legislation basically prejudges the results of those studies.

There is not any threat to any landowner. These parks were assembled by donation, not Federal condemnation. I have no problem with the colonial park legislation. That was worked out in the last Congress and passed by the House in its current form.

The same cannot be said for the other proposal before us today. This was considered, the Shenandoah, this was considered in the past by the House on a bipartisan basis last year as a national heritage area and not as a national park, but I know the gentleman from Virginia [Mr. WOLF] and many of his colleagues have had a number of events recently at the park, and I respect that.

Mr. Speaker, I have listened to a lot of the concerns expressed by some of my colleagues about the park system. After this bill, we are going to take up H.R. 260, which basically is a parks closure bill, yet we are adding some national park units by the Congress, with some reservations from the national park system, so we are going a little bit in different directions here.

Mr. Speaker, I will support this bill. I will vote for it.

Mr. GOODLATTE. Mr. Speaker, will the gentleman yield?

Mr. RICHARDSON. I yield to the gentleman from Virginia.

Mr. GOODLATTE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I just want to make the point with regard to the Shenandoah National Park and Richmond Battlefield that we are in no way saying additional lands should not be added. Those studies should and can go forward. All we are saying is the same criteria which provides for taking lands out of the park should apply to putting land into the park; that is, congressional action. After this is completed, if there are proposals to add land, they can bring that before the Congress and have it considered. Now local governments and local private owners in the area have no say on land going into the park.

Mr. RICHARDSON. Mr. Speaker, I reserve the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Virginia [Mr. BLILEY] the author of this bill.

Mr. BLILEY. Mr. Speaker, I want to thank the gentleman for bringing this bill, and I thank the gentleman from Alaska, [Mr. YOUNG] chairman of the full committee, and my good friend, the gentleman from New Mexico, BILL RICHARDSON. I know he had some concerns, he has expressed them to me in the past, but I appreciate the gentleman's willingness, in spite of his concerns, to support this legislation.

I also want to thank my colleague from Virginia's Third District, the gentleman from Newport News, [Mr. SCOTT] for his support.

Mr. Speaker, the gentleman from Utah [Mr. HANSEN] has thoroughly explained the bill. I want to just add a few things. The reason for this bill that I introduced, H.R. 1091, was a response to constituents' worries about the

boundaries of Richmond National Battlefield Park and the Shenandoah National Park. Each of these parks is peculiar in that it has a vast authorized boundary with a much smaller amount of land actually owned and managed by the Park Service.

Unlike normal parks, these two parks can expand whenever they want, without congressional approval or a fair representation of local communities' concerns. The Richmond National Battlefield Park comprises 10 sites around Richmond totaling about 760 acres, to which this bill would add 900 more at Malvern Hill, but its enormous 1936-authorized boundary envelopes 250 square miles of the metropolitan area. What the constituents are concerned about is that somehow a designation will be put on their land against their wishes that will downzone the value of their land. That is a very important concern to anyone who owns land.

Having served in local government and having participated in a couple of downzonings, it is a very, very bad policy to downzone a man's land. Anytime that Members want to expand either of these parks, all the Park Service has to do is to come forward with a request that then can be considered, but what will happen then is that it would give the neighbors a chance to comment, and it will give the local governments a chance to comment, as well as the State government. Then Congress will determine whether we have the resources to absorb whatever this gift might be.

Right now, Richmond National Battlefield Park has a $2 million shortfall in its operating funds for 1996, and the Shenandoah National Battlefield Park has a shortfall of $5.5 million. So to me it makes eminent sense that before we go expanding either of these parks, let us make sure we have enough resources to take care of the expansion, pure and simple.

I am also pleased that the legislation of the gentleman from Virginia [Mr. WOLF], that he was successful in passing last session in the other body is included, and this legislation conserves for future generations 10 Civil War battlefields in the Shenandoah Valley. But most importantly about this act is this was developed in close consultation with the communities up and down the valley.

Mr. Speaker, I thank my good friend, the gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. Mr. Speaker, I yield 5 minutes to my good friend, the gentleman from Virginia [Mr. WOLF].

Mr. WOLF. Mr. Speaker, I rise in strong support of H.R. 1091, a bill which would improve the National Park System in the Commonwealth of Virginia. I am particularly interested and supportive of title IV of the bill which incorporates legislation I introduced which would create the Shenandoah Valley Battlefields National Historic Park.

Mr. Speaker, this morning I had the pleasure and honor of participating in a dedication ceremony for the preservation of the 3d Battle of Winchester. The 3d Battle of Winchester, or Opequon, was the largest and most desperately contested battle of the Civil War in the Shenandoah Valley of Virginia, resulting in more than 9,000 casualties. This battle, where over 15,000 Confederate troops led by Lt. Gen. Jubal Early and about 39,000 Union troops led by Maj. Gen Philip Sheridan clashed in the otherwise quiet countryside, marked the rise of Sheridan and the decline of Confederate power.

Perhaps it is coincidence, providence, fortuity, serendipity or luck that H.R. 1091 is being considered on the floor of the House of Representatives the same day the 3d Battle of Winchester is saved by development. The hallowed Civil War site of Opequon was saved by a partnership between the Federal Government, State and local government, businesses persons, and private preservationists. This has been the approach taken in the valley for years and is the approach embodied in title IV of this legislation.

Mr. Speaker, in response to a congressional directive (Public Law 101–628), the National Park Service [NPS] undertook the task of studying the Civil War sites in the Shenandoah Valley. The NPS identified significant Civil War sites and determined their condition, established their relative importance, assessed short- and long-term threats to their integrity, and provided general alternatives for their preservation.

The Park Service discovered that 15 of the 326 documented armed conflicts in the valley between 1861 and 1865 were of particularly high significance. Because many portions of the valley retain a high degree of historic, rural and scenic integrity, the NPS concluded that they should be preserved. The two major Valley campaigns—the Thomas J. ''Stonewall'' Jackson Valley campaign of 1862 and the decisive Philip Sheridan campaign of 1864—are the major Civil War battlefields not yet preserved. This Congress has a historic opportunity to capitalize on the overwhelming momentum of support for this legislation.

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Unfortunately, the NPS did not recommend a specific preservation strategy. Therefore, some local valley residents accepted a challenge by Park Service staff to devise a plan to preserve these historic lands. Their efforts were remarkable. Their dedication and perseverance unflappable. This was truly a grassroots effort.

Local residents began to meet and discuss how these hallowed lands could be preserved for future generations to learn and enjoy. They are eager to share the stories of the valley—not just battle maneuvers and formations, but the stories of people dislocated by a brutal war. They want to share the story of how the city of Winchester, VA, changed hands between North and South at least 73 times, and how that turmoil affected local residents. Even today, one can sense the effect the war had on the Valley.

After countless meetings and telephone conversations, in which the National Park Service was consulted, a consensus began to form around a partnership concept where Federal, State, and local governments, private landowners and preservation groups could work together to preserve these lands. After a draft bill was ready, we held discussion meetings in the Shenandoah Valley on the proposed legislation. These meetings provided an opportunity for thorough review and comment by Valley residents and officials on this legislation. These meetings, attended by local government officials, landowners, business people, and preservationists, served as a vehicle to refine, modify, and improve the legislation with the input and advice of citizens from throughout the Shenandoah Valley.

What I found during those public meetings was unprecedented unanimous support for this legislation. I served at the Department of the Interior in the 1970's under Secretary Morton, and I can't recall ever gaining such widespread support for a park bill. The legislation before this subcommittee has been endorsed by every local government where core battlefield properties are located. Moreover, we have a broad, bipartisan coalition of interests united to preserve these treasures of history. The list that follows my statement, compiled over a year and a half ago, comprises those persons and entities who endorsed this partnership approach to preservation. There have been many others since this list was put together.

This subcommittee should know that the work of valley residents did not end with the drafting and introduction of this legislation. The Cedar Creek Battlefield Foundation is a private nonprofit corporation organized to save the historic Cedar Creek Civil War battlefield site. The Frederick County Board of Supervisors and Winchester City Council have appointed a Battlefield Task Force whose responsibility it is to prepare a strategic plan for the protection and use of the battlefield sites. The task force's interim action plan designates the most critical and significant sites and recommends immediate actions to be taken. Frederick County and the city of Winchester have also successfully convinced a trustee of a battlefield property at Kernstown to postpone a planned auction. Moreover, they have purchased a $500,000 2-year option to buy land. Within the last couple of weeks, the Association for the Preservation of Civil War Sites [APCWS] exercised an option to purchase 222 acres, known as Caleb Heights, of the threatened third battle of Winchester using funds derived from the sale of Civil War commemorative

coins. APCWS is committed to raising the remaining $2 billion needed to pay off the remaining cost of the property. Not only have the local governments and private groups dedicated time and personnel to planning the preservation of the battlefields, they have committed scarce resources to protect these lands. This is an overwhelming demonstration of their commitment to the successful implementation of a preservation plan.

Local governments alone can't preserve these valuable resources; they need a partnership with the Federal Government to preserve these lands. Even the most well intentioned friends of battlefield preservation will find it difficult to keep the threats of residential construction, commercial development, highway construction, and industrial development at bay. Interstates 66 and 81 bring increasing pressure on this rural landscape and threaten to consume more battlefield land. As the NPS study indicates, some critical properties have already been lost.

Since the Civil War, most of the Shenandoah Valley has remained in the same type of agricultural use, but, as the Park Service has reported, increasing development threatens key battlefield sites. Title IV of H.R. 1091 would protect many of these through designation as a unit of the National Park System, while encouraging partnerships with local governments and private landowners to protect the natural cultural and historical resources on adjacent lands within the historic core areas of the key battlefield sites. Partnership is the key ingredient in this bill. It was borne of cooperation and will succeed by bringing all interested parties into the planning, development, and implementation of this novel preservation scheme.

This bill capitalizes on the cooperation and hard work which have created a sturdy foundation upon which to build this park. Much of the groundwork has been laid by residents of the valley and specialists knowledgeable about land use planning, environmental impact studies, and so forth. I encourage this subcommittee to utilize the experience, dedication, and knowledge base that exists in the valley in preparing a plan for park management, visitor facilities, educational programs, and historical markers and exhibits throughout the Shenandoah Valley. The NPS should work hand-in-glove with the local community.

The second important component of the legislation is that it provides incentives for local governments to preserve historic land by including battlefield protection in regional planning. As the Park Service study observed, local governments are under increasing pressure to allow residential construction, commercial development, highway construction, and industrial development. Grants and technical assistance provide the necessary incentive that local governments need to ward off development pressures.

The third key ingredient which I would like to stress in the grants to private battlefield landowners. Because of the tight fiscal constraints of federal discretionary spending, we can't expect the National Park Service to purchase thousands and thousands of acres of land. This is much too expensive. We can, however, provide incentives to local landowners to assist in the preservation of historic lands. In exchange for these economic incentives, private landowners could provide the Park Service needed scenic or preservation easements or could contractually agree to maintain open-space lands with historic viewsheds. This will ensure that a comprehensive overall interpretation of the resource is attained.

Mr. Speaker, the time is upon us for Federal action to preserve the historic Civil War battlefields of the Shenandoah Valley, in partnership with State and local governments, local landowners, and preservation groups. This innovative concept will be the least costly and disruptive strategy to protect the lands forever.

Mr. Speaker, one point of interest that people should know, that there is a Colonel McCormick in my congressional district, 94 years old, lives in Front Royal, just retired from practicing law. His father and his grandfather and his uncle were in Pickett's Charge at Gettysburg. The interest in the Shenandoah Valley for this is very important.

In closing, Mr. Speaker, the time is upon us for Federal action to preserve the historic Civil War battlefields of the valley in partnership with State and local governments and local landowners and preservation groups.

I want to acknowledge before I close and thank the gentleman from Utah [Mr. HANSEN] and his staff. Without the help of the gentleman from Utah [Mr. HANSEN], this legislation would not be passing. He nurtured it through, worked with us and he did everything he possibly could.

I want to say on the record, the gentleman and I were freshmen together in that class of 1980 when we came, I think there are only 16 of us left, but I want to publicly say I will be eternally grateful for his help and his entire staff. He helped us work this thing through.

I also want to thank the gentleman from Virginia [Mr. GOODLATTE] for his efforts. It was a good team effort. Our districts are joined together. We were lockstepped together at the beginning of this. I thank him.

I also want to thank the gentleman from Virginia [Mr. BLILEY], the gentleman from Virginia [Mr. SCOTT], and the other members of the Virginia delegation, and on the Senate side, Senators ROBB and WARNER. We were together almost like Stonewall Jackson. There stood the Virginia like a stone wall, we were together and united on this.

And finally Mr. Speaker, I would like to add a very special thank you to Will Moschella, one of my legislative assistants, who was instrumental in helping to bring this bill forward.

Tomorrow it is my hope and expectation, and I might say I am going to say a little prayer, that this legislation will pass without any controversy and will then be passed by the other body.

Mr. Speaker, I include the following articles and extraneous material for the RECORD, which describe the efforts to create a Civil War National Battlefield Park in the Shenandoah Valley of Virginia:

SHENANOAH VALLEY PROPOSAL
ENDORSEMENTS BY COUNTY

FREDERICK

The Glass-Glen Burnie Foundation, Landowner/Individual.
Town of Middletown, Government.
Town of Stephens City, Government.
Winchester-Frederick Chamber of Commerce, Business.
Winchester-Frederick County Econ. Deve. Comm., Business.

SHENANDOAH

Association for the Preservation of Civil War Sites, Landowner/Individual
C.M. ''Mike'' Hunt, Landowner/Individual.
Sarah P. Faulconer, Landowner/Individual.
James H. Faulconer, Landowner/Individual.
Garland C. Hudgins, Landowner/Individual.
Breckenridge Chapter, Daughters of the Confederacy, Historic Group.
Town of New Market, Government.
Clinton M. Truesdale, Individual.
The Strasburg Guards, Sons of Confederate Veterans, Historic Group.
Town of Woodstock, Government.
David E. Smith, Landowner/Individual.
William Craun, Landowner/Individual.
William F. Bausserman, Landowner/Individual.
William J. Bausserman, Landowner/Individual.
Harold Walter, Landowner/Individual.
Keith Rocco, Landowner/Individual.
J.W. Troxell, Landowner/Individual.
Ralph Stickley, Landowner/Individual.
Tom's Brook Farm,/Rodney A. Bankson, CDR, USN-Ret., Landowner/Individual.
10th Virginia Volunteer Infantry, Historic Group.
Cross Keys Antiques/John B. Woodyard, Landowner/Individual.
Friends of the North Fork of the Shenandoah River, Civic Group.
Hupp's Hill Battlefield Park and Study Center, Historic Group/Business.
New Market Area Chamber of Commerce, Business.
New Market Battlefield Historic Park, Historic Group.
Patricia K. Marie, Landowner/Individual.
Reformation Lutheran Church, Civic Group.
Robert D. Plu, Landowner/Individual.
Shenanoah Caverns, Business.
Shenandoah Valley Civil War Roundtable, Historic Group.
Shenandoah Valley Quality Inn/Lois Moomaw, Gen. Man., Business.
Strasburg Rotary Club, Civic Group.
Town of Mount Jackson, Government.
Town of Tom's Brook, Government.
VMI Museum Programs, Historic Group.
Women's Memorial Society, Civic Group.
Woodstock Museum, Historic Group.

ROCKINGHAM

Arthur J. Hamilton, Landowner/Individual.
Association for the Preservation of Civil War Sites, Landowner/Individual.

Barbara Paulson, Landowner/Individual.

Cherry Grove Farm/George K. Harnsberger, Landowner/Individual.

F & M Bank-Massanutten, Business.

Graham C. Lilly/Professor of Law UVA, Landowner/Individual.

Harrisonburg-Rockingham Historical Society, Historic Group.

Harry L. Chandler, Landowner/Individual.

Lawrence D. Bowers/Wilson & Bowers, Landowner/Individual.

Martha B. Caldwell/Professor of Art History JMU, Landowner/Individual.

Mr. & Mrs. Brownie A. Cummins, Landowner/Individual.

Mr. & Mrs. Thomas F. Tutwiller, Landowner/Individual.

Peter Svenson, Landowner/Individual.

The Inn at Keezletown Road Bed & Breakfast, Business.

The Society of Port Republic Preservationists, Historic Group.

The Town of Dayton, Virginia, Government.

James J. Geary, Former Dir. New market Battle, Landowner/Individual.

Ronald E. Carrier, President, James Madison Univ., Educational.

Barbara Moore, Landowner/Individual.

Daniel M. Downey, Ph.D., Landowner/Individual.

Tom's Brook Farm/Rodney A. Bankson, CDR, USN-Ret., Landowner/Individual.

W. Allen & Phoebe Sherwood, Landowner/Individual.

W.C. Bedall, Jr., Landowner/Individual.

Wilmer Diehl Family, Landowner/Individual.

HIGHLAND

Association for the Preservation of Civil War Sites, Landowner/Individual.

The Board of Supervisors for Highland County, Government.

The Recorder, Business/Press.

Virginia's Western Highlands Travel Council, Business.

WINCHESTER

City of Winchester, Government.

Elizabeth G. Helm/Former Mayor, Government.

Downtown Development Board, Government.

The Common Council of the City of Winchester, Government.

AUGUSTA

Winston Wine, Landowner/Individual.

PAGE

Luray Caverns Corporation, Business.

PORT REPUBLIC

Mark & Susan Hardy, Landowner/Individual.

REGIONAL

The Civil War Trust, Historic Group.

ALEXANDRIA

Brian C. Pohanka, Landowner.

VALLEY WIDE

Shenandoah Valley Travel Association, Business.

[From the Washington Post, June 13, 1993]

UNSUNG SOLDIERS

THE CASE FOR SAVING SHENANDOAH'S CIVIL WAR BATTLEGROUNDS

(By James M. McPherson)

Many Americans recognize the significance of such Civil War battles and campaigns as Antietam, Gettysburg, Chickamauga, Chattanooga and Petersburg. All of these battlefields are now national parks that attract millions of visitors each year.

More than 125 years after the guns went silent, tourists can walk the ground near Sharpsburg, Md., where more Americans died in one day—Sept. 17, 1862—than any other day in our history. They can scan the fields at Gettysburg, where 13,000 Confederate soldiers launched an assault of futile courage on July 3, 1863. And they can see where Grant's legions put their siege lines at Vicksburg, forcing that city's defenders to eat mules and rats before surrendering.

No one can truly comprehend the tragic but triumphant trauma of the American Civil War without visiting such battlefields. But there are two large gaps in our commemoration of the engagements of the Civil War—Stonewall Jackson's Shenandoah Valley campaign in 1862 and Phil Sheridan's Shenandoah Valley campaign in 1864. No national park—or state or local park—marks any of the eight battles and numerous important skirmishes involved in these campaigns, even though they were as crucial in shaping the course and outcome of the war as were Antietam, Vicksburg and Chattanooga—yes, even as important as Gettysburg itself. The two Shenandoah Valley campaigns produced two of the four major turning points of the war (the other two were Antietam and Gettysburg-Vicksburg).

Jackson's string of victories in the valley from May 8, 1862, to June 9, 1862, reversed a tide of Northern triumphs during the preceding three months that had threatened to sink the Confederacy.

The Union had captured Roanoke Island and New Bern in North Carolina, forts Henry and Donelson, Nashville and New Orleans and the lower Mississippi valley. Union victories in the bloody battles of Shiloh and Pea Ridge and the advance of the largest Union army to within six miles of Richmond in the spring of 1862 had caused panic and depression in the South.

In mid-May 1862, the Confederate government was prepared to evacuate Richmond. Then came Jackson's extraordinary victories in the Shenandoah Valley—at McDowell on May 8, Front Royal on May 23, Winchester on May 25 and Cross Keys and Port Republic on June 8 and 9.

These victories proved to be a strategic shot in the arm for the Confederacy. They changed the momentum of the war and launched a year of Southern victories in the Virginia theater that culminated in the Confederacy's high tide at Gettysburg.

The tide receded, but by the late summer of 1864 Confederate prospects again seemed promising. The two largest Northern military efforts of the war, to capture Richmond and Atlanta, had bogged down in apparent stalemate after 100,000 Union casualties. The shock of death and failure staggered the Union, threatened Lincoln's reelection and spawned a peace movement in the North.

In July a small Confederate army commanded by Jubal Early cleared Union forces out of the Shenandoah Valley and marched all the way to the outskirts of Washington before pulling back. During this crisis, Gen. Ulysses S. Grant sent one of his favorite subordinates, Philip Sheridan, to the valley to take command of a composite ''Army of the Shenandoah'' and crush Early. In three battles—among the most one-sided Union victories of the war—Sheridan did precisely that: at Third Winchester (or Opequon Creek) on Sept. 19, Fisher's Hill on Sept. 22 and Cedar Creek on Oct. 19. These battles ensured Lincoln's reelection on a platform of unconditional victory and marked the final turn of the tide toward Appomattox.

The absence of a national park for any of these Shenandoah Valley battlefields has always been a mystery to me, But there is now a chance to remedy this omission—maybe the last chance.

The expansion of development along I–66 to its intersection with I–81 a few miles from five of the Shenandoah Valley battlefield sites threatens these sites with extinction. That fate could be avoided by the creation of a Shenandoah Valley national battlefields park.

Many residents of this area recognize that preservation of these sites would produce more than the obvious historical and cultural benefits. It would also yield the economic benefits of tourism at a much lower cost than residential development, with its inevitable byproducts of congestion, noise and pollution.

Most of the battlefield sites in the valley still possess a high degree of historical integrity, that is, the topography—the fields and forests, the hills and valleys and viewsheds—has changed little since the Civil War. At surprisingly low cost to taxpayers, much of the battlefield acreage could be saved for posterity, with sites linked by already existing state and local roads. Several parcels of battlefield lands already are owned by private preservations groups that are ready to turn them over to the National Park Service.

Congress should authorize a Shenandoah Valley National Battlefield Park as envisioned in legislation introduced by Rep. Frank Wolf (R–Va.) in the House and Sens. John Warner (R) and Chuck Robb (D) of Virginia and Sen. James Jeffords (R) of Vermont.

Creation of such a park would make it possible for millions of Americans to visit these battlefields, where thousands gave their last full measure of devotion just as surely as did those who died at Gettysburg.

Mr. RICHARDSON. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia [Mr. SCOTT] who strenuously was urging that we pass this bill and who has worked very hard on it equally, especially the component of black Civil War heroes.

Mr. SCOTT. Mr. Speaker, I rise in support of H.R. 1091 and would like to speak to the impact of the bill on the Richmond area. This legislation is important because it relieves a burden from landowners of having to worry about the possibility of condemnation of their land by the Richmond National Battlefield Park. For too long, the park has had the ability to use this process to acquire land without the permission of landowners. I applaud my colleague from the Richmond area, Mr. BLILEY, for realizing our constituents' concerns and for removing the threat of condemnation in this legislation. The fact is, Mr. Speaker, that this power has never been used nor is there any anticipation that it would be used in the foreseeable future. This bill, therefore, removes the cloud of uncertainty and concern of area residents near the battlefield.

While this bill reduces the large area of potential land acquisition, I agree with my other colleagues from Virginia that there is nothing in this legislation that will prevent specific land acquisition in the future through legislative authorizations for either purchase or acceptance of donated lands.

Additionally, Mr. Speaker, this bill addresses an important battle site. Nearly 131 years ago, on September 29, 1864, near Richmond, VA, in an area referred to as New Market Heights, U.S. Colored Troops would assault a Confederate position, suffer extreme losses

and have 14 of their ranks receive Medals of Honor for bravery in action.

Mr. Speaker, in the entire balance of the Civil War, only 2 more Army medals were awarded to African-Americans and no other battle in the entire Civil War generated 14 Medal of Honor designees.

Until this past year, however, the story of these 14 African-American soldiers was scarcely remembered or retold. A Richmond Times-Dispatch article dated May 21 of this year calls this battlefield one of the Nation's most forgotten historical sites.

But with the assistance of my colleague from Richmond we are now headed in the right direction by honoring these 14 men, bringing just acknowledgment and credit to a previously forgotten event. I am grateful for the help of the gentleman from Virginia [Mr. BLILEY] and support in crafting legislation that ensures that the battle of New Market Heights will be recognized for its historic significance.

Mr. Speaker, this bill responds to the concerns of landowners in Henrico County, it focuses the resources of the National Park Service on truly historically significant sites, and gives proper recognition to the valiant African-American soldiers in New Market Heights.

I therefore join my colleagues from Virginia, both in the Richmond area and the Shenandoah area, in support of this bill. I thank the gentleman from Utah and the gentleman from New Mexico for their cooperation.

Mr. HANSEN. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia [Mr. GOODLATTE].

(Mr. GOODLATTE asked and was given permission to revise and extend his remarks.)

Mr. GOODLATTE. Mr. Speaker, I thank the gentleman from Utah for yielding me the time. I especially thank him and his outstanding staff for their efforts in moving this legislation through their committee, and the gentleman from Alaska [Mr. YOUNG] for moving it through the full committee.

Mr. Speaker, we have been working on this legislation now in various forms for several years, certainly since I came to the Congress in 1993, and I am just delighted that it has bipartisan support from other members of the delegation from Virginia and from the gentleman from New Mexico.

This legislation is vitally important to my congressional district because 3 of the 5 aspects of the bill affect my district. The Shenandoah National Battlefield legislation was authored by the gentleman from Virginia [Mr. WOLF], who has done an outstanding job in creating a new piece of legislation and a new type of national park that I think will serve as a model for other national parks in the future; and the gentleman from Virginia [Mr. BLILEY] authored other aspects of this legislation dealing with the Shenandoah National Park.

First the Shenandoah National Battlefield parks, new legislation, as the gentleman from Virginia [Mr. WOLF] indicated, to protect 12 battlefield sites up and down the Shenandoah Valley, the last major part of our country where we had important Civil War battles fought, that are at this point receiving no protection and are not recognized as a national park. These 12 are the most important of several hundred different sites around the area.

Three of them, the Cross Keys, Port Republic, and McDowell Battlefield sites are in my district, in Rockingham County and Highland County, respectively. This legislation, unlike the creation of battlefields in the past where the Government has bought up in many instances thousands and thousands of acres of land, often at enormous cost, this creates this park in a very different way. This land will largely remain in the hands of private owners who will continue to farm it, as it is primarily an agricultural area today, as it was during the Civil War 130 years ago.

We have the opportunity here to create a protection for battlefields, but also at the same time have an opportunity for local governments to have the maximum amount of input about these lands and to protect the rights of private property owners. There will be no condemnation of lands allowed in this park, and we will have this as an opportunity to both utilize the land for agriculture and to promote tourism and the preservation of these important sites, all at the same time.

In addition, the legislation offered by the gentleman from Virginia [Mr. BLILEY] dealing with the Shenandoah National Park is vitally important as well. Those of you who are familiar with the creation of this park in the 1920's and 1930's know that there was a great deal of hardship and animosity on the part of many people who lived in that park at that time and were forcibly removed from the park. There is documentation of individuals whose homes were burned while they had been forcibly removed from the home, their furniture removed, put out on the ground outside, and they stayed there and watched while their home was burned to the ground.

There is a long history of difficult relations between the national park, which is a precious resource that every one of us values, but at the same time respect for the rights of those people who live around the park and are concerned about the manner in which it was created and about the manner in which it could be expanded, because of the authorized boundary of some 521,000 acres which is more than 2½ times the size of the park today.

That would mean that, for example, the city of Waynesboro in my congressional district, a city of more than 20,000 people, half of that city is in the authorized area of the national park. It simply does not make any sense.

We are not in any way shrinking the size of the park. We are not taking any land out of the park except for the specific 16 acres designated by the gentleman from Virginia [Mr. BLILEY], which will be used to improve roads going through the park, to widen the roads, straighten the roads for safety purposes because they are used by the public, used by school buses traveling through the area. That will be removed, but other than that, there is no change in the boundary of the park.

This simply says that in the future if people want to add to the Shenandoah National Park, they are going to have to go through the process of getting congressional support for legislation that will add the land. No longer can they do so simply as an administrative decision.

This is something that I think is vitally important for the protection of the counties that surround the park, that are worried about losing the tax base for land that might be donated to the park, and it is also vitally important for the adjoining landowners who fear they may see a diminution of the value of their property. I strongly urge passage of this legislation.

As an original cosponsor and one who has worked hard and waited long to see this day come to pass, I am pleased to rise in support of H.R. 1091, the Virginia National Parks Act. I want to congratulate Congressman BLILEY for spearheading the introduction of this much-needed effort and Chairmen YOUNG and HANSEN for their excellent leadership in bringing this bill to the floor.

Three components of this legislation directly impact my congressional district, the sixth district of Virginia: setting the boundaries of the Shenandoah National Park; the transfer of secondary roads within the Shenandoah National Park to the State; and the Shenandoah Valley National Battlefields Partnership Act.

These land-related concerns all have one common thread—they all achieve their ends through local control by communities and property owners.

I am extremely pleased that the Shenandoah Valley National Battlefields Partnership Act which our colleague FRANK WOLF has championed since the 103d Congress is contained in this legislation. As an original cosponsor of the battlefields bill I was very disappointed when it was caught in the end of the session rush of the 103d Congress and not taken up by the House. Committee testimony last Congress pointed out the national significance of the battlefields and related areas in the Shenandoah Valley and the danger they face if left unprotected.

Congressman WOLF and constituents in both of our congressional districts have worked very hard to craft this balanced legislation. Extensive local involvement was instrumental in developing a solid bill securing the Valley's rich heritage without treading on the authority of local governments or the rights of private landowners. This act represents a model partnership between Federal and local governments to preserve 12 critical Civil War battle sites throughout the Shenandoah Valley. These include three sites in the sixth congressional District: Cross Keys and Port Republic

in Rockingham County and McDowell in Highland County.

Residents of the Shenandoah Valley are fiercely proud of their heritage and the role that their valley played in the American Civil War. Not only did the battles fought in the valley play a pivotal role in the Civil War and have national importance, but the ravages from these battles on the lives of local citizens and their property were great and remain an important part of our local history. Many of the descendants of the native valley families who farmed the land where these battles were fought some 130 years ago still reside on those same family farms today.

This tremendous pride in the valley's rich heritage is the key to why public participation in the drafting of this legislation was overwhelming. More than two dozen public hearings were held throughout the valley and support has been widespread.

Prior to the introduction of the bill, I participated in a public meeting held in my congressional district by the Rockingham County Board of Supervisors to find out if support for the proposal to create the Shenandoah Valley National Battlefields Park was as widespread as we anticipated. This meeting provided a forum where all voices in the area could be heard.

The community's support was very strong. Property owners, preservation groups, and local government officials and businesses voiced their support for the bill and the Rockingham County Board of Supervisors subsequently endorsed it. This type of support has been universal. Every Chamber of Commerce and Economic Development Council in the five counties affected have endorsed this bill.

That is because our bill not only protects the irreplaceable resources of the battle sites, it also protects property rights through its entirely voluntary approach and provides opportunity for continued economic development for the region. This is achieved in a cost-efficient manner.

This legislation does not involve acquisition of thousands of acres of land by the Federal Government. There will be no Federal ''taking'' of local property. That approach would be antithetical to the residents of the valley who as I mentioned earlier are fiercely proud of their heritage, yet deeply suspicious of big Government.

Rather, this legislation is built on providing incentives designed to encourage local governments and landowners to voluntarily manage their communities and property in ways best to further the preservation of these sites and park objectives. It respects private property rights and recognizes federal budgetary limitations resulting from the Federal budget deficit. It creates a model, partnership between the local communities and the Federal Government to protect our valley's rich historic resources for future generations.

With regard to provisions modifying the boundary of the Shenandoah National Park—ever since my first campaign for Congress in 1991, I have heard from citizens and local governments concerned about the possible expansion of the Shenandoah National Park and the impact such an expansion would have on their property values and those communities which lie on the parameters of the park. Since 1991 this issue has been one of my top priorities.

Shenandoah National Park now encompasses 196,000 acres of land, however it has a much larger authorized boundary of 521,000 acres created by Congress in 1926. Under this authorization, the SNP has the potential to expand in three ways without any action by Congress: by accepting donated property, by purchasing property with donated funds and through land transfers with private property owners. In fact, the only time that the park must come to Congress in order to expand is if they seek to purchase property with appropriated funds.

This situation causes local communities and property owners to constantly fear such an expansion and the potential for crippling effects upon property rights and local tax bases. In Rockingham County for example, there is the community of Beldor Hollow which has lived for several generations with the threat that citizens of the community could actually be surrounded by park land, ''land-locked'' if you will. In fact two members of the Rockingham County Board of Supervisors spoke to the National Parks Subcommittee about those concerns back in March when the subcommittee held hearings on this bill.

By freezing the boundaries of the park to the land that the SNP currently owns we will alleviate this threat of out-of-control expansion that has plagued these communities since the 1930's. This bill does not eliminate the potential for the park to expand in the future—it just requires that Congress approve such an expansion which provides the park's neighbors the opportunity to have a voice in the matter.

We've also taken care of another Shenandoah issue with this legislation by transferring secondary roads within the park to the state so that they can continue to be maintained. Virginia has maintained and operated these secondary roads under a series of temporary use permits since the park's creation. These permits have expired and since the National Park Service has not renewed them the State can no longer maintain these roads, many of which are in need of repairs. Our bill returns these roads to the State so that they can be maintained.

I urge my colleagues to pass this legislation which is vitally important to the entire State of Virginia.

Mr. RICHARDSON. Mr. Speaker, I have no further requests for time.

Mr. Speaker, let me conclude by stating that I will support this bill. I have some reservations. Again, I think we should give our Park Service professionals the opportunity in their boundary studies to work their will, but I am compelled to support it because of the respect I have for many Members on both sides of the aisle that would like to see this bill become law. Tomorrow when we cast the vote, I will be voting ''aye.''

Mr. Speaker, I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FOLEY). The question is on the motion offered by the gentleman from Utah [Mr. HANSEN] that the House suspend the rules and pass the bill, H.R. 1091, as amended.

The question was taken.

Mr. RICHARDSON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1630

NATIONAL PARK SYSTEM REFORM ACT OF 1995

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 260), to provide for the development of a plan and a management review of the National Park System and to reform the process by which areas are considered for addition to the National Park System, and for other purposes, as amended.

The Clerk read as follows:

H.R. 260

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Park System Reform Act of 1995''.

SEC. 2. DEFINITIONS.

As used in this Act:

(1) The term ''Secretary'' means the Secretary of the Interior.

(2) The term ''Plan'' means the National Park System Plan developed under section 101.

(3) The term ''Commission'' means the National Park System Review Commission established pursuant to section 103.

(4) The term ''Congressional resources committees'' means the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

TITLE I—NATIONAL PARK SYSTEM PLAN

SEC. 101. PREPARATION OF NATIONAL PARK SYSTEM PLAN.

(a) PREPARATION OF PLAN.—The Secretary of the Interior, acting through the Director of the National Park Service, shall prepare a National Park System Plan to guide the direction of the National Park System into the next century. The Plan shall include each of the following:

(1) Identification of goals and objectives for use in defining the mission and role of the National Park Service and the National Park System in preserving our Nation's heritage, relative to other efforts at the Federal, State, local, and private levels. This statement shall include a refinement for the definition of ''nationally significant'' for purposes of inclusion in the National Park System.

(2) Criteria to be used in determining which themes and types of resources are appropriate for representation in the National Park System, as well as criteria for judging individual sites, areas, and themes that are appropriate for inclusion as units of the National Park System.

(3) Identification of what constitutes adequate representation of a particular resource type or theme in the National Park System.

(4) Identification of which aspects of the Nation's heritage are adequately represented in the existing National Park System.

(5) Identification of appropriate aspects of the Nation's heritage not currently or adequately represented in the National Park System.

(6) Priorities of the themes and types of resources which should be added to the National Park System in order to provide more complete representation of our Nation's heritage.

(7) A thorough analysis of the role of the National Park System and the National Park Service with respect to (but not limited to) conservation of natural areas and ecosystems; preservation of industrial America; preservation of intangible cultural heritage such as arts, music, and folklife; presidential sites; open space protection; and provision of outdoor recreation opportunities.

(8) A comprehensive financial management plan for the National Park System which identifies all funding available to the agency, how funds will be allocated to support various programs, and the level of service to be provided.

(b) PUBLIC PARTICIPATION AND CONSULTATION.—During the preparation of the Plan under subsection (a), the Secretary shall ensure broad public participation in a manner which, at a minimum, consists of the following two elements:

(1) Solicitation of the views of the American public with regard to the future of the National Park System. Opportunities for public participation shall be made available throughout the planning process and shall include specific regional public meetings.

(2) Consultation with other Federal land management agencies, State and local officials, resource management, recreation and scholarly organizations, and other interested parties as the Secretary deems advisable.

(c) TRANSMITTAL OF REPORT.—Prior to the end of the second complete fiscal year commencing after the date of enactment of this Act, the Secretary shall transmit the Plan developed under this section to the Congressional resources committees.

(d) CONGRESSIONAL APPROVAL.—Unless Congress enacts a joint resolution rejecting all or modifying part of the Plan within 180 calendar days after the date of its transmittal to Congress, the Plan shall be deemed approved.

(e) IDENTIFICATION OF UNITS OF THE NATIONAL PARK SYSTEM.—The Secretary shall submit to the Congressional resources committees an official list of areas or units of the National Park System within 180 days after the date of the enactment of this Act. The Secretary shall establish a set of criteria for the purpose of developing such list and shall transmit those criteria to the Congressional resources committees.

(f) AUTHORITY TO ESTABLISH UNITS OF THE NATIONAL PARK SYSTEM.—After the enactment of this Act, units or areas of the National Park System may only be established pursuant to an Act of Congress or by Presidential action in accordance with the Act entitled ''An Act for the preservation of American antiquities'' (16 U.S.C. 431 et seq.).

SEC. 102. MANAGEMENT REVIEW OF NATIONAL PARK SYSTEM.

(a) SELECTION CRITERIA.—(1) The Secretary shall, not later than 45 days after transmittal of the Plan under section 101(c), publish in the Federal Register and transmit to the Congressional resources committees the criteria proposed to be used by the Department of the Interior in reviewing existing units of the National Park System under this section. The Secretary shall provide an opportunity for public comment on the proposed criteria for a period of at least 30 days.

(2)(A) The Secretary shall, within 60 days of the transmittal of proposed criteria under paragraph (1), publish in the Federal Register and transmit to the Congressional resources committees the final criteria to be used in carrying out this section. Except as provided in subparagraph (B), such criteria shall be the final criteria to be used unless disapproved by a joint resolution of Congress enacted not more than 30 legislative days after receipt of the final criteria. For the purpose of the preceding sentence, the term ''legislative day'' means a day on which both Houses of Congress are in session.

(B) The Secretary may amend such criteria, but such amendments may not become effective until they have been published in the Federal Register, opened to public comment for at least 30 days, and transmitted to the Congressional resources committees in final form.

(b) REVIEW.—(1)(A) Using the Plan deemed to be approved pursuant to section 101(d) and the criteria developed pursuant to subsection (a), the Secretary shall review the existing National Park System to determine whether any existing units or significant portions of such units do not conform to the Plan. For any such areas, the Secretary shall determine whether there are more appropriate alternatives for managing all or a portion of such units, including through partnerships or direct management by States, local governments, other agencies and the private sector.

(B) The Secretary shall develop a report which contains a list of any unit of the National Park System where National Park Service management should be terminated and a list of any portion of units where National Park Service management should be modified as a result of nonconformance with the Plan. No area or portion of an area which Congress has designated as a national park may be included in the report.

(2) Should any such unit or portion of such unit not be recommended for continued National Park Service management, the Secretary shall make recommendations regarding management by an entity or entities other than the National Park Service.

(3) For any such unit or portion of such unit determined to have national significance, prior to including such unit or portion of such unit on a list under paragraph (1), the Secretary shall identify feasible alternatives to National Park Service management which will protect the resources of and assure continued public access to the unit.

(c) CONSULTATION.—In developing the report referred to in subsection (b), the Secretary shall consult with other Federal land management agencies, State and local officials, resource management, recreation and scholarly organizations, and other interested parties as the Secretary deems advisable.

(d) TRANSMITTAL.—Not later than 18 months after the Plan has been deemed approved, the Secretary shall transmit the report developed under this section simultaneously to the Congressional resources committees and the Commission. The report shall contain the recommendations of the Secretary for termination of National Park Service management for any unit of the National Park System that is determined not to conform with the Plan, a list of portions of units where National Park Service management should be modified, and the recommendations for alternative management by an entity or entities other than the National Park Service for such unit.

SEC. 103. NATIONAL PARK SYSTEM REVIEW COMMISSION.

(a) ESTABLISHMENT OF COMMISSION; DUTIES.—(1) Following completion of the Plan as specified in section 101, a National Park System Review Commission shall be established.

(2) The Commission shall either review the report developed under section 102 or, if the Secretary fails to develop and transmit such report, develop the report itself. In conducting its review (or developing the report, if necessary), the Commission shall be subject to the provisions of sections 102 (b) and (c) in the same manner as such provisions apply to the Secretary. If the Secretary develops and transmits the report, the review of the Commission shall be limited to the manner in which the criteria have been applied to the existing National Park System. In addition the Commission shall seek broad public input and ensure the opportunity for input from persons who would be directly affected by recommendations regarding National Park System units identified in its report.

(3) Within 2 years after the date of its establishment, the Commission shall prepare and transmit to the Congressional resources committees a report of its work under paragraph (2) in which the Commission recommends a list of National Park System units where National Park Service management should be terminated and a list of portions of units where National Park Service management should be modified.

(b) MEMBERSHIP AND APPOINTMENT.—The Commission shall consist of 11 members, each of whom shall have substantial familiarity with, and understanding of, the National Park System and related fields. In addition, the Commission members shall have expertise in natural sciences, history, archaeology, and outdoor recreation. Five members of the Commission, one of whom shall be the Director of the National Park Service, shall be appointed by the Secretary. Two members shall be appointed by the Speaker of the United States House of Representatives in consultation with the chairman of the Committee on Resources, and one member shall be appointed by the Minority Leader of the House or Representatives in consultation with the ranking minority member of the Committee on Resources. Two members shall be appointed by the President pro tempore of the United States Senate, in consultation with the chairman of the Committee on Energy and Natural Resources and one member shall be appointed by the Minority Leader of the Senate in consultation with the ranking minority member of the Committee on Energy and Natural Resources. Each member shall be appointed within three months after the completion of the Plan as specified in section 101.

(c) CHAIR.—The Commission shall elect a chair from among its members.

(d) VACANCIES.—Vacancies occurring on the Commission shall not affect the authority of the remaining members of the Commission to carry out the functions of the Commission. Any vacancy in the Commission shall be promptly filled in the same manner in which the original appointment was made.

(e) QUORUM.—A simple majority of Commission members shall constitute a quorum.

(f) MEETINGS.—The Commission shall meet at least quarterly or upon the call of the chair or a majority of the members of the Commission.

(g) COMPENSATION.—Members of the Commission shall serve without compensation as such. Members of the Commission, when engaged in official Commission business, shall be entitled to travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in government service under section 5703 of title 5, United States Code.

(h) TERMINATION.—The Commission established pursuant to this section shall terminate 90 days after the transmittal of the report to Congress as provided in subsection (a).

(i) LIMITATION ON NATIONAL PARK SERVICE STAFF.—The Commission may hire staff to carry out its assigned responsibilities. Not more than one-half of the professional staff of the Commission shall be made up of current employees of the National Park Service.

(j) STAFF OF OTHER AGENCIES.—Upon the request of the Commission, the head of any Federal agency may detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist the Commission.

(k) EXPERTS AND CONSULTANTS.—Subject to such rules as may be adopted by the Commission, the Commission may procure temporary and intermittent services to the same extent as authorized by section 3109(b) of title 5, United States Code, but at rates determined by the Commission to be advisable.

(l) POWERS OF THE COMMISSION.—(1) The Commission shall for the purpose of carrying out this title hold such public hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission deems advisable.

(2) The Commission may make such bylaws, rules, and regulations, consistent with this title, as it considers necessary to carry out its functions under this title.

(3) When so authorized by the Commission, any member or agent of the Commission may take any action which the Commission is authorized to take by this section.

(4) The Commission may use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

(5) The Secretary shall provide to the Commission any information available to the Secretary

and requested by the Commission regarding the Plan and any other information requested by the Commission which is relevant to the duties of the Commission and available to the Secretary.

SEC. 104. SUBSEQUENT ACT OF CONGRESS REQUIRED TO MODIFY OR TERMINATE A PARK.

Nothing in this Act shall be construed as modifying or terminating any unit of the National Park System without a subsequent Act of Congress. This limitation shall not limit any existing authority of the Secretary.

SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

There are hereby authorized to be appropriated $2,000,000 to carry out the purposes of this title.

SEC. 106. COMMENDATION AND PROTECTION OF NATIONAL PARK RANGERS.

(a) FINDING.—The Congress recognizes the dedication, expertise and courage of the men and women who serve as rangers and other employees of the National Park Service and finds their service to the protection of our park resources and the safety of the hundreds of millions of Americans who visit our national parks each year to be indispensable.

(b) PROTECTION OF NATIONAL PARK SERVICE EMPLOYEES.—As soon as possible as part of the report developed under section 101, the Secretary shall report on the procedures that have been instituted to report to the United States Attorney or other appropriate law enforcement official any intimidation, threats, or acts of violence against employees of the National Park Service related to their duties.

TITLE II—NEW AREA ESTABLISHMENT

SEC. 201. STUDY OF NEW PARK SYSTEM AREAS.

Section 8 of the Act of August 18, 1970, entitled ''An Act to improve the Administration of the National Park System by the Secretary of the Interior, and to clarify the authorities applicable to the system, and for other purposes'' (16 U.S.C. 1a–1 and following) is amended as follows:

(1) By inserting ''GENERAL AUTHORITY.—'' after ''(a)''.

(2) By striking the second through the sixth sentences of subsection (a).

(3) By redesignating the last two sentences of subsection (a) as subsection (f) and inserting in the first of such sentences before the words ''For the purposes of carrying'' the following: ''(f) AUTHORIZATION OF APPROPRIATIONS.—''.

(4) By striking subsection (b).

(5) By inserting the following after subsection (a):

''(b) STUDIES OF AREAS FOR POTENTIAL ADDITION.—(1) At the beginning of each calendar year, along with the annual budget submission, the Secretary shall submit to the Committee on Resources of the House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate a list of areas recommended for study for potential inclusion in the National Park System.

''(2) In developing the list to be submitted under this subsection, the Secretary shall give consideration to those areas that have the greatest potential to meet the established criteria of national significance, suitability, and feasibility. The Secretary shall give special consideration to themes, sites, and resources not already adequately represented in the National Park System as identified in the National Park System Plan to be developed under section 101 of the National Park System Reform Act of 1995.

''(3) No study of the potential of an area for inclusion in the National Park System may be initiated after the date of enactment of this subsection, except as provided by specific authorization of an Act of Congress.

''(4) Nothing in this Act shall limit the authority of the National Park Service to conduct preliminary resource assessments, gather data on potential study areas, provide technical and planning assistance, prepare or process nominations for administrative designations, update previous studies, or complete reconnaissance surveys of individual areas requiring a total expenditure of less than $25,000.

''(5) Nothing in this section shall be construed to apply to or to affect or alter the study of any river segment for potential addition to the national wild and scenic rivers system or to apply to or to affect or alter the study of any trail for potential addition to the national trails system.

''(c) REPORT.—(1) The Secretary shall complete the study for each area for potential inclusion in the National Park System within 3 complete fiscal years following the date of enactment of specific legislation providing for the study of such area. Each study under this section shall be prepared with appropriate opportunity for public involvement, including at least one public meeting in the vicinity of the area under study, and after reasonable efforts to notify potentially affected landowners and State and local governments.

''(2) In conducting the study, the Secretary shall consider whether the area under study—

''(A) possesses nationally significant natural or cultural resources, or outstanding recreational opportunities, and that the area represents one of the most important examples of a particular resource type in the country; and

''(B) is a suitable and feasible addition to the system.

''(3) Each study—

''(A) shall consider the following factors with regard to the area being studied—

(i) the rarity and integrity of the resources;

(ii) the threats to those resources;

(iii) whether similar resources are already protected in the National Park System or in other public or private ownership;

(iv) the public use potential;

(v) the interpretive and educational potential;

(vi) costs associated with acquisition, development and operation;

(vii) the socioeconomic impacts of any designation;

(viii) the level of local and general public support, and

(ix) whether the area is of appropriate configuration to ensure long-term resource protection and visitor use;

''(B) shall consider whether direct National Park Service management or alternative protection by other public agencies or the private sector is appropriate for the area;

''(C) shall identify what alternative or combination of alternatives would in the professional judgment of the Director of the National Park Service be most effective and efficient in protecting significant resources and providing for public enjoyment; and

''(D) may include any other information which the Secretary deems to be relevant.

''(4) Each study shall be completed in compliance with the National Environmental Policy Act of 1969.

''(5) The letter transmitting each completed study to Congress shall contain a recommendation regarding the Secretary's preferred management option for the area.

''(d) NEW AREA STUDY OFFICE.—The Secretary shall establish a single office to be assigned to prepare all new area studies and to implement other functions of this section.

''(e) LIST OF AREAS.—At the beginning of each calendar year, along with the annual budget submission, the Secretary shall submit to the Committee on Resources of the House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate a list of areas which have been previously studied which contain primarily historical resources, and a list of areas which have been previously studied which contain primarily natural resources, in numerical order of priority for addition to the National Park System. In developing the lists, the Secretary should consider threats to resource values, cost escalation factors, and other factors listed in subsection (c) of this section. The Secretary should only include on the lists areas for which the supporting data is current and accurate.''.

The SPEAKER pro tempore (Mr. FOLEY). Pursuant to the rule, the gentleman from Utah [Mr. HANSEN] will be recognized for 20 minutes and the gentleman from New Mexico [Mr. RICHARDSON] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Utah [Mr. HANSEN].

(Mr. HANSEN asked and was given permission to revise and extend his remarks.)

Mr. HANSEN. Mr. Speaker, I rise in strong support of H.R. 260, the bipartisan National Park System Reform Act of 1995 introduced by Mr. HEFLEY. This bill is very similar to a bipartisan measure which passed the House last session by a vote of 421–0. As was testified to in our hearing on the bill, it is one of the most important measures on the National Park Service to come before the committee since the 1916 Act establishing the National Park Service. I am pleased to note that the bipartisan nature which characterized this bill last session continues this session, despite the extensive effort of those who seek to misrepresent this legislation.

This bill reflects the concern of a number of Members on both sides of the aisle and in both Houses that over the years since its establishment, the Park Service mission seems to have expanded far beyond what was originally envisioned, and far beyond what can be afforded. In the words of GAO at our joint hearing with the Senate last spring, the ''NPS is at a crossroads.''

We can either continue down the path of designating questionable areas we cannot afford, or we can choose another course. This bill by Mr. HEFLEY helps us to choose another course.

First, and most importantly, the bill requires the NPS to develop a plan for where it should go. Should we include urban beaches in the National Park System. What about outdoor performing arts amphitheaters? What about historic re-creations? All these questions need to be asked and answered. Through this bill, those answers will be forthcoming.

Second, we must have a process to ensure that only the best areas get added to the park system in the future. We cannot go forward adding every new proposal in sight, just because a Member or interest group has a particular desire. We must have better screening criteria and a prioritization of areas to be added to the park system.

Finally, we must look at where we have been, and what is included in the existing park system. Anyone who has looked at the park system for very long has a list of questionable sites in his/her pocket. Two weeks after the administration testified against this bill, Secretary Babbitt stated his intention to transfer three NPS areas to the States of Virginia and Maryland. Congress has no way to know what other areas are on Secretary Babbitt's park

closure list, but we cannot go around arbitrarily listing parks to be closed. Rather, there should be an objective, public process to review our existing park system. That is precisely what this bill provides.

I point out that this bill does not close a single park, either directly or indirectly. It will lead to a possible list of park areas where future Federal involvement should be re-examined in the minds of objective observers. From there, Congress would be free to act, just as we have deauthorized parks 24 times in the last 100 years. However, actions taken would be on the basis of solid information.

While it is true that parks could be reviewed on a piecemeal basis, such an approach would be subject to the same political pressures which have resulted in the addition of the questionable areas to the park system in the first place.

The most enlightening and disturbing aspect of the debate over this bill has been how the interest groups have lined up. The bill is supported on a bipartisan basis by members from the Resources Committee who routinely receive a ''0'' from the League of Conservation Voters and by Members who score in the 90's. It is supported by both Republican and Democratically-appointed Directors of the NPS. It is supported by employees of the agency, as represented by the largest employee organization, the Association of National Park Rangers. Finally, it is supported by the National Trust for Historic Preservation.

It is opposed only by the extreme environmental groups and those who carry their banner. It is ironic to me that those who claim to be such friends of the parks have put their personal political and financial gain ahead of the well-being of the parks.

I have no grand illusions that we will solve the financial woes of the National Park Service through this bill, but we will help protect the integrity of the park system. After all, the agency as a whole will be judged by its most questionable area, which is the only standard against which any new potential addition to the park system must be judged.

I commend this bill to my colleagues and I know that those who support our park system, will support this important legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. RICHARDSON. Mr. Speaker, I yield myself such time as I may consume.

(Mr. RICHARDSON asked and was given permission to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, make no mistake about it, this is a parks-closure bill. And this is why I am going to read a series of national environmental groups that are opposing this bill: The Defenders of Wildlife; the American Hiking Society; the Sierra Club Legal Defense Fund; the Friends of the Earth; the Izaak Walton League of America; the Wilderness Society; the National Parks and Conservation Association.

Let me also state, Secretary Babbitt's name has been invoked, the Clinton administration strongly opposes H.R. 260, unless amended to delete provisions that deal with a closure commission.

Mr. Speaker, this is a bad bill, but what is worse, it is here under suspension. Why is there a railroading of this bill? Why in subcommittee, as the ranking member of the Subcommittee on National Parks, Forests and Lands, was I not allowed to proceed with an amendment, an alternative, that said basically there are other ways to finance the national parks? Let us look at a trust, let us look at concessions or let us look at fees. Let us look at better ways to manage the parks.

But what we are doing here is a parks closure commission. My good friend, the gentleman from Utah [Mr. HANSEN], the chairman of the subcommittee, has been quoted that he would like to see 150 parks closed in his own newspaper.

Mr. HANSEN. Mr. Speaker, will the gentleman yield?

Mr. RICHARDSON. I yield to the gentleman from Utah.

Mr. HANSEN. Mr. Speaker, that was a quote that came out of the Elko paper, and the Elko paper wrote a retraction of that saying that they never heard that before and they were sorry they brought that up. So, that retraction was in there and any Member would be a fool to make a statement like that, and I hope I do not fall in that category.

Mr. RICHARDSON. Mr. Speaker, reclaiming my time, I accept what the gentleman just said.

Mr. HANSEN. Mr. Speaker, I would be happy to submit it for the RECORD.

Mr. RICHARDSON. Mr. Speaker, again, reclaiming my time, I am quoting many publications and I am simply stating that what we are doing in this bill is we are setting up a process that is similar to a military base closing commission.

Mr. Speaker, what we are doing is, along with the cuts on the national parks, and the cuts are substantial in the national parks budget, 36 percent cut by the year 2002, would be achieved by closing 200 smallest and least-visited national parks, or by cutting the budget of all parks by amounts which render them less safe, the Congress will have indirectly and quietly achieved what some are attempting to do with a parks closing commission. Mr. Speaker, this is by the Department of the Interior.

Mr. Speaker, no one is calling us or saying that we have too many parks. On the contrary, the American people love and support our national parks. That is why many of us are deeply troubled by this bill. This is a parks closure bill, basically, with some viewing it as means to close parks they believe are nonessential.

Contrary to what some might believe, it is not easy to get an area designated as a unit of the National Park System and should not be easy to remove them from the system as well. Those who think the authorization is a panacea for whatever ails the National Park System are wrong.

We could deauthorize all the 30-plus units designated since 1980, yet we would save less than 2 percent of the national parks budget, annual operation and maintenance budget.

Mr. Speaker, I am concerned that this legislation relies too heavily on a park closure commission which would have the authority to recommend the closure of any unit in the National Park System, with the exception of the 54 national parks. The Statue of Liberty, Independence Hall, the Washington Monument are all national monuments and would be subject to consideration for closure or privatization under the provisions of the bill.

Mr. Speaker, what makes these sites any less worthy than Yellowstone or Grand Canyon National Park? National park units are not at all like military bases. We do not need a closure commission that could only justify its existence by recommending park closures.

If there is any question as to the marching orders of the commission, one only needs to look at the Republican budget resolution that was adopted: A 10-percent cut in NPS operating funds, a 5-year land acquisition moratorium, and a 50-percent cut in NPS construction. Is there any doubt what this commission is supposed to produce?

Mr. Speaker, there are not quick fixes to find out how we improve the management of the parks. All I am saying is let us send this bill back to the Committee on Rules where there would be an opportunity to debate an alternative that I have. I only want one amendment, 10 minutes, 3 minutes, that says there is a better way than a closure commission; that this is far too drastic.

Mr. Speaker, I reserve the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado [Mr. HEFLEY], the author of the legislation.

Mr. HEFLEY. Mr. Speaker, I am pleased that we are able to bring this bipartisan measure, the National Park System Reform Act, to the floor of the House today.

Mr. Speaker, in the past few months I have heard this bill called many things and blamed for many others. Most of these, as well as what we have just heard on the floor, simply are not accurate.

This is not a park-closing bill. This is not a base-closing commission. In fact, the gentleman from New Mexico [Mr. RICHARDSON], I think, is arguing against the bill which is simply not before us on the floor of the House today. Maybe it was a concept somewhere

back in the history of this legislation, but it simply is not something that is before us, after many months of working with the gentleman from California [Mr. MILLER] and the gentleman from Minnesota [Mr. VENTO] in trying to massage this bill and make it be something that we could all be very proud of.

Mr. Speaker, it is simply not the bill that the gentleman from New Mexico describes. H.R. 260 is a balanced policy initiative that will set the stage for future, reasoned debate on park reform.

The bill directs the Park Service to take 1 year to develop both a mission statement and a set of criteria for inclusion within the Park System.

Following Congress' approval, the Park Service would then take that criteria, remember that, following Congress' approval, the Park Service would take that criteria, hold it up against the existing Park System, see what is there, what is not there, and possibly on some rare cases what does not belong there.

Mr. Speaker, if those rare cases occur, the Park Service would study alternative forms of management which would range from transfer to other government agencies or levels of government or to other interested parties.

Only if those prospective managers could guarantee preservation of the resource which made the site significant in the first place, could any transfer take place.

So, we are not closing parks with this bill. In fact, we are not making it easy to close parks with this bill. After 3 years of study, the Park Service will turn its findings over to an independent review commission. During the next 18 months, the review commission would look over the Park Service's recommendations and receive additional public comment on them, before passing those recommendations along to Congress.

Mr. Speaker, if the Park Service does the kind of job we expect it to, then the commission will serve as little more than a rubber stamp to its findings. But, if it becomes clear after 1 year that the Park Service has no intention of carrying out the review outlined in this act, then the review commission may undertake to review on its own.

In this way, the commission may serve as a hammer over the Park Service, or its peer reviewer. The choice is up to the Park Service.

Mr. Speaker, whatever the findings of this review, it is up to Congress to act upon them in whole or in part or not at all. This is no base-closing bill. There is nothing in it that says, ''Take it or leave it all,'' about the review in H.R. 260.

Title II of the bill tightens the criteria for admission of new units into the Park System.

□ 1645

It directs the Interior Secretary to develop a priority system for new units, then submit these priorities to Congress with the annual budget request until action is taken.

Further, the bill centralizes planning for new units at Park Service headquarters. If this is to be a system of nationally significant places, then there should be a coordinated effort to identify such places.

Let me tell you what H.R. 260 does not do. H.R. 260 does not mandate the closure of any parks. Indeed, the Nation's 54 national parks were exempted. There were those who were saying we were going to close Yellowstone, close Grand Canyon. Of course, not. Those are going to stand up to any scrutiny, as I think most units of the Park System will. We just took those out. That will not even be a question. H.R. 260 does not create an independent commission selling off parks to the highest bidder. The commission can act alone only if Interior ignores the will of Congress. Even then it would be assisted in its review by the Park Service and even then any action on its findings would be left to Congress, which created the parks in the first place.

It would not mean the end of urban or Alaskan parks, as has been charged. It is not an outgrowth of the wise-use movement in the West. It has nothing to do with the cutbacks in budget or appropriations, real or imagined.

The gentleman from Minnesota [Mr. VENTO] and I have worked on this bill now for almost 2 years. Last year we passed its 1994 counterpart by a record vote of 421 to zero. This, I think, is a better bill. We have sat down with more people since then. We have 42 or so environmental groups we sat down with and tried to take their concerns into account as we tried to develop this bill. I think it is a better bill now.

Yet, H.R. 260 appears to have become a lightning rod for every fear about Park Service matters voiced against this Congress. I hope the membership will push aside the perceptions that have been advanced by a number of special interest groups and, instead, support the reality embodied in H.R. 260. It is a good bill. It is one which will keep our national parks the envy of the world.

I urge support for this bill.

Mr. RICHARDSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me disabuse the gentleman and everyone that is listening of one fact. This is not the same bill that passed last year which contained all of our votes. There is a huge difference.

This is a bill that has as the primary source the park closure commission. The past bill had a backup. First, the Park Service made their determinations. Then you had the park closure commission. That is the difference. There is a huge difference.

Mr. Speaker, I yield 5½ minutes to the gentleman from New Jersey [Mr. PALLONE], a member of the committee.

Mr. PALLONE. Mr. Speaker, I rise in opposition to H.R. 260. I also rise in opposition to the manner in which this controversial measure is being brought before the House.

H.R. 260 would set up a mechanism for restructuring portions of the National Park System and includes provisions that would allow an Interior Secretary or an unelected commission to recommend the closure of units of the Park System.

I oppose H.R. 260 for a number of reasons, but primarily because I disagree with a fundamental premise of the bill. H.R. 260 rests upon the presumption that the Park System is overextended and that the only way to help the system is to restructure and strategically downsize it.

Restructuring and downsizing are terms we often hear these days in Congress, but we are not talking about military bases here.

What we are debating is the fate of one of our Nation's greatest treasures. This is cultural, historical, and natural resource preservation we are talking about.

As Mr. RICHARDSON said in his dissenting views on H.R. 260, no one outside the beltway is calling or writing to say we have too many parks. In fact, the contrary is true in my State. I have constituents and elected officials writing me all the time to try to get new areas designated as parks or refuges or to get existing parks expanded. And despite the rhetoric we hear in this body, it is not easy to get that done; it takes years of work.

Of course, even if we except the premise that we need to trim the Park System, the deck has already been stacked in favor of some units and against others. The legislation exempts from consideration for termination 54—mainly Western—national parks. And what was the scientific policy basis for leaving these parks out? I do not know. If this is a fair process this bill is establishing, and these parks are so superior, would those parks not be protected anyway?

Why aren't important parks like the Statue of Liberty, Independence Hall, and the Washington Monument protected from scrutiny? Why aren't Gateway and Sandy Hook—which is in my district—protected? Perhaps it is because these are urban units which, in addition to being significant cultural, historical, and natural areas, provide education and recreation to lower income people who cannot afford to travel to Colorado or California to take advantage of the Park System their tax dollars support. Or maybe it is merely because some in this body have a very narrow and elitist view of the Park System.

Now, I know that supporters of this bill will say it is not a closure bill; that it is not a BRAC for the parks. But I would just like to draw my colleagues' attention to a bill that those same people supported last Congress, H.R. 1508. Section 105 of that bill, sponsored by Mr. HEFLEY, was entitled ''Termination of National Park Service management at nonessential National Park

System areas.'' Now today's bill may be a so-called compromise bill, but it is clear what the intent is behind it. I am now a member of the Resources Committee—and I have watched some of my colleagues on that committee oppose parkland acquisition even though it was proposed by a Republican member. I have even seen ''Dear Colleague'' letters and a newspaper op-ed entitled ''Do We Need All These Parks?'' where a park in my district is singled out. But those same people seem to be saying ''trust us, we really don't want to get rid of the park system.'' I am sorry, but I just cannot take that on faith.

I could go on about my objections to this legislation, but I want to talk a bit about the way in which this bill is being considered. On June 12, BILL RICHARDSON, the ranking Democrat on the National Parks Subcommittee—which has jurisdiction over this legislation—sent a ''Dear Colleague'' letter to each and every Member of the House. In that letter he said that he opposed H.R. 260. But more importantly he said the following: ''When the House considers H.R. 260, I will offer amendments * * *.'' I told the ranking subcommittee member that I supported him and that I, too, might want to offer amendments. Other Members did the same.

Then, on Friday of last week, I found out that the National Park System Reform Act was coming before the House under suspension of the rules—a format that would prohibit all of us from offering the amendments we said we wanted considered. I did not believe it. I actually asked my staff to call the Democratic Cloakroom to make sure this was actually H.R. 260 we were bringing up. You see, I was under the impression that the Suspension Calendar is only for noncontroversial items, not legislation that is opposed by the National Parks and Conservation Association. It is not for legislation that is so controversial that the Secretary of the Interior came all the way to my district to tell me and my constituents that he opposed it. And it is certainly not meant for legislation that is opposed by the ranking member of the subcommittee of jurisdiction.

Yet here we are. We have not suspended the rules, what we have suspended is the right of my constituents and others to dissent.

Maybe you do not agree with my point of view on the bill's substance. Or maybe you do. However, I hope that you support the rights of myself, my friend from New Mexico, and others who want to offer amendments to this bill.

I urge my colleagues to vote for the Park System and for the Democratic system by voting ''no'' on this legislation.

Mr. RICHARDSON. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota [Mr. VENTO].

Mr. HANSEN. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Speaker, I rise in strong support to H.R. 260, and I want to commend the gentleman from Utah [Mr. HANSEN], the chairman of the subcommittee, and the principal sponsor, the gentleman from Colorado [Mr. HEFLEY], for their work on this.

Actually, this product is a product of the 103d Congress in many respects.

As was indicated, we hammered this proposal out last year. It passed on Suspension Calendar. It was considered on suspension. It was basically a measure that is noncontroversial. It is not identical to the bill, but most of the major elements are the same, and the proposal and the agreement that was made then really holds true in terms of my work on this measure.

This is a necessary piece of legislation. This really provides a formal process for the establishment of a criteria, criteria which do not exist today with regard to the national parks. We need the Park Service to establish that type of criteria.

Furthermore, it establishes, in order to be certain that the Park Service itself will go through the process of this establishment of criteria, and once submitted, Congress then has to ratify it. Beyond that, it suggests the Park Service then take the criteria that it develops and review almost all the parks.

Obviously, there are 50 of the outstanding parks not included. In essence, I do not think anyone questions the review of that would probably not be a good use of resources. That is the basis to me of the workload here, somewhat more realistic here in terms of how we march forward.

Once that has been accomplished, they go through review of the 300 or so parks. They report back to the Congress and report of the commission.

We establish commissions in the Congress often, often, I think, without careful thought. But in this case, the commission has been very carefully constructed. It is a commission that has a certain amount of independence, but they have no independent authority to act on removing designation from any park. In fact, the power to designate parks resides in the Congress today, and once this legislation were to be passed in the form it is before us today, that authority to designate or remove designation would continue to reside in the Congress.

I find, obviously, some of the hyperbole and paranoia that has crept into this debate very curious. There has been a tendency for the advocates and opponents of this bill to overstate the case. There should be no mistake about mistaking this bill. This bill is the same bill supported by the administration in the 103d Congress. It was supported by the Park Service, which helped craft and write this legislation in the 103d Congress. It was supported by the conservation groups. It was supported by Democrats and Republicans.

That is why it passed on the floor on suspension by 421 votes in favor, with none against it.

It, in essence, is the same bill. What has changed this year obviously, there is a change in the Congress. I am here because I do not have a horse in the race. It is not one of my parks that is affected. I am here because I think this is good policy. I think the Members of this body ought to vote for it. I am here because I just think this is good policy. This is where we ought to go.

What are we afraid of in this bill? We do not want the Park Service to study the park units? Can we not trust the Park Service? If we can trust it to run these units, should we not be trusting them to do the study?

We are asking the professionals first and foremost to do it and report back to us. We are asking the commission to be there to make certain and somehow have an independent voice to also report to us. You have got to trust the Congress.

I think Members of this body and the Senate can be trusted to designate and take responsible actions with regard to this. That is really where it is at. If we do not want to today, that action could take place without any commission, without any study, without any consideration. Is that what the opponents of this bill would like to see, no review, no consideration in process? I do not think so.

I think this bill provides good process, good review. It is a rational, reasoned way to reinvent and deal with the problems facing the National Park Service in this year and which I have worked on for 20 years that I have been in this body.

Mr. Speaker, I rise in support of H.R. 260, the National Park System Reform Act of 1995. This legislation, which I have cosponsored, is similar to a proposal considered and approved by the House of Representatives during the 103d Congress under the Suspension Calendar.

Mr. Speaker, for a decade, I had the privilege and the pleasure to chair the House subcommittee with jurisdiction over national park policy. I am very concerned about the state of our national parks and well understand the need to move forward, this Congress, important park reform, review, and reinvention policy. Park review and reform legislation is reasoned, rational, and in the public interest. This measure is an effective policy not random, arbitrary action; it is a good public policy.

The National Park Service [NPS] is charged with the management of the Nation's most important natural, cultural, and historical resources. These areas are known throughout the world for their natural qualities, scenic beauty, and historical significance. Each year, the areas which make up the National Park System are visited by over 260 million people, and this number continues to grow.

It is our obligation to ensure that only outstanding resources are included in our National Park System and that parks currently in the system are managed effectively. This concern, shared by my colleagues on both sides of the aisle, the administration, and the American people, enabled the House to unanimously pass, on the Suspension Calendar and without dissent, the National Park Service Reform Act in the past Congress.

This legislation was a product of compromise involving the current administration,

the National Park Service, environmental groups, and Members of Congress, both Democrats and Republicans.

It was with this spirit and support that I joined my colleagues Mr. HEFLEY and Mr. HANSEN, in re-introducing a National Park Service reform bill in the 104th Congress. That is the legislation pending before us.

Unfortunately, we now have a perception problem that has injected controversy anew. What was once a unanimously supported reform bill has now been dubbed by some as a ''Park Closure'' bill. In my judgment, both the advocates and opponents have been guilty of fanning the flames and generating misunderstanding and controversy where none need exist. Perception for some has been conjured up as reality. When all else fails, the admonition should be to read the legislation.

A close review and literal reading of the proposed law shows that the apprehension that was raised is not justified. H.R. 260 remains very consistent with the legislation considered in the last Congress. The NPS sets criteria, Congress approves the criteria, the NPS studies a reduced number of parks, conveys this to the Congress and an appointed commission within 3 years. The commission reviews and reports to Congress. Congress and only Congress has the responsibility to remove parks from the National Park System. The responsibility comes back to Congress under this proposal and under current law.

There are many issues before this Congress where significant differences in philosophy have made for some heated debates and will continue to do so. I suggest that we hold back on our desire to draw the lines in the sand over this park review and reform issue and that we save our passion for those debates in which there is true disagreement on issues of which there seems to be no shortage.

Certainly, National Park Service reform is especially needed in an era of fiscal constraint and large demands on the existing Park System. We still have the opportunity to enact a forward looking bill. I do not agree with those who think that our National Park System is complete and that nothing else should be added, or worse still, that we should begin closing parks just to save money. However, I hope that all of us can agree that effective management of our National Park System will benefit us all. While today the National Park Service is judged by the crown jewels, there is an increasing tendency to highlight only the rhinestones in the system—some of which are as costly or even more costly than the crown jewels of our national parks.

The issue of effective park management is not a simple one and narrow-minded solutions are inappropriate when considering the reform of our precious natural, cultural, and historic resources.

The National Park System needs the ability to expand in order to reflect the progression of history and to respond to a rapidly growing population. At the same time, efficient management and strategic planning will achieve savings as will the consideration of alternative management plans for parks that do not meet the criteria guidelines outlined in the bill. This bill can accomplish such goals.

As for the commission enacted in this measure, the NPS has had numerous standing and shorter term commissions and while we should proceed carefully and curtail the profusion of commissions this initiative is hardly some unusual precedent and in reality will serve as leverage on the NPS and Congress to take this task more seriously.

Finally, this is not and should not be a base realignment and closure commission as was established within the Department of Defense. The responsibilities are defined; the authority limited and the sunset of the commission is certain. Its policy path is clear—to report its recommendations to the Congress for our consideration.

This measure is a good bill and responds to the reasoned criticisms and questions raised beyond the version the House acted upon last year. As for the hyperbole and paranoia that have dogged H.R. 260, I would hope that Members will deal with the tangible today not the surreal.

Mr. RICHARDSON. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. HINCHEY].

Mr. HINCHEY. Mr. Speaker, in spite of the great respect and admiration I have for the sponsors of this bill, I find that, nevertheless, I feel strong opposition to it.

I think that there are aspects of the bill which do make a constructive contribution. First of all, a comprehensive review by the Secretary of the Department of Interior, I think, is constructive, and would be helpful.

But the underlying philosophy of this bill is what I find so troubling about it. It seems to suggest that we have too many parks and that we ought to deauthorize units of the National Park System and, furthermore, I believe the sentiments in this bill, as they are expressed in the language here, would tend to focus attention on those parks and national resources which tend to be in the urban areas, which tend to be in those parts of the country where they get the most use and the most attention, which tend to be used by those people who are least likely to travel to some of the national parks in the western part of our country.

□ 1700

Why are we doing this? Are we spending too much money on our National Park System? I do not think so. The National Park System, which is one of the most treasured possessions of this country, takes up less than one-tenth of 1 percent of the national budget. It is a very small portion of what we spend nationally.

Is it true that the National Park Service does not get enough funding? Yes, unquestionably, it is. But that is a failure of ourselves, it is a failure of this Congress. The Congress ought to realize the value of the National Park Service and apportion to it a greater portion of the Federal budget. The National Park Service has been starved for funds, and this particular budget that is before us this year goes on to do that in an even greater degree than has been done in the past.

Construction is cut by 50 percent. Operating funds are cut by 10 percent. That is wrong. It is the wrong direction in which we should be going, and it mitigates toward the kind of philosophy which is expressed in this bill which indicates that we have too many parks and we ought to be closing them down.

We need more recreational opportunity in this country, if anything. We need greater recognition of our national heritage, if anything. We need a better understanding on the part of our citizenry, particularly our younger people, with regard to our national and ecological heritage, which is enshrined in the system of our national parks.

So, Mr. Speaker, I think that this bill, in spite of the fact that it does some things that are good, takes us inevitably in the wrong direction. The idea that we have too many parks is wrong; the idea that we should be closing some of them down, in my opinion, is misguided. What we ought to be doing is spending more, not less, on our National Park System, raising it up, making it be what it ought be in the minds of the American people, the greatest expression in many ways of our national and historical heritage.

Mr. RICHARDSON. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. MILLER].

Mr. HANSEN. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. MILLER].

The SPEAKER pro tempore (Mr. FOLEY). The gentleman from California [Mr. MILLER] is recognized for 3 minutes.

Mr. MILLER of California. Mr. Speaker, I would hope that the Members would focus on this legislation. This is not a park closing bill, and this is not the bill that passed last year. What this is, is a very, very good piece of legislation to allow us to deal with some of the problem that exist within the national parks of this country. Let us not pretend that the process by which all of the units and all of the obligations and all of the duties were given to the National Park Service was a pure process that nobody can question or raise issue with, because the fact is, we know that this Park Service and its resources have been assaulted from time to time by this Congress in the middle of the night in a conference committee without hearings, without jurisdiction, but based upon the individual power of a Senator here or a Congressman here, or what have you. We ought to now reexamine the operations of this most valuable, valuable agency of the Federal Government.

This is not to pass judgment whether there should be more or less parks. This is about making sure that we are using the resources to the best extent that we can, that we can assure the people of this country that we are doing all that we can to maintain and improve the parks that we have, and to maintain the standards for the creation of those parks, and that we are making the best utilization we can out of the resources of the National Park Service. Nobody in this body can stand before the American public and say that is the situation today, and if we

cannot say that, then we ought to put into motion a process by which we can review that.

Because of the contributions of the gentleman from Colorado [Mr. HEFLEY], the gentleman from Utah [Mr. HANSEN], the gentleman from Minnesota [Mr. VENTO], and even the gentleman from New Mexico [Mr. RICHARDSON], this legislation in fact does that. It lets us look at the system.

This is the rational way to go about reforming or reorganizing or reinventing, whichever term you are comfortable with, because it lets the front-line agencies, the Secretary of the Interior and the Park Service, make some determinations, and we all know that privately they come to us. Whether they are rangers in the West or they are in the seashores in the East or in the Gulf, they come to us privately and tell us, this is not working terribly well, Mr. Speaker.

There is another way to do this. We ought to know that. They ought to be able to bring that forward and then have the citizens commission screen that process, screen that process so that there is input from affected parties, from localities, because all of us know that all of these parks have different importance to different communities and States and local jurisdictions. Some of them are huge engines of economic activity. Some of them are huge engines of activity, but you do not have the economics to take care of it. Some of them, quite simply, nobody knows why they are there, except that somebody got it done in the legislative process.

Mr. Speaker, this is a process that is reasoned out, that has protections in it, that is very thoughtful, and does not mandate that any action take place, but it puts us in a position that at one point we can stand before our constituents and say that this is the best run agency, the best use of resources of the National Park Service.

Mr. Speaker, I urge support of the bill.

Mr. COLEMAN. Mr. Speaker, will the gentleman yield?

Mr. HANSEN. I yield to the gentleman from Texas.

Mr. COLEMAN. Mr. Speaker, I may have missed some of the debate earlier that went on on this legislation, and I was watching this in my office, and I came over because I happen to agree with a lot of what has been said by the proponents of this legislation.

I guess the only question I had is, with respect to all of the review that would go on on all of the parks, I guess all of the monuments, all of the various facilities that are run and operated by the Park Service, why are not all of them on the list? Is there a reason that we left some of them off?

Mr. HANSEN. Mr. Speaker, reclaiming my time, originally we looked at all of them and then we figured that possibly it would be smart to alleviate the fears of a lot of people, because we tried to convince them that this was not the park closing bill, that they would have the opportunity to take 54 spectacular parks, and I agree with the gentleman from New Jersey, it is kind of in the eye of the beholder, but I do not think that people have found what we are looking at.

The gentleman from Colorado [Mr. HEFLEY] said, ''What bills are in front of us?'' It is like Chairman Seiberling when he was with us used to say, ''When all else fails, read the legislation.''

The only place that refers to the fears that have been brought up by our friends is on page 13, starting on line 12 that says: ''Nothing in this act shall be construed as modifying or terminating any unit of the National Park System without a subsequent act of Congress.''

Mr. COLEMAN. Mr. Speaker, if the gentleman will continue to yield, I would just ask the gentleman, I mean I agree, I read that. I saw that. But again, I am surprised as to why we did not put Yosemite on that list. I mean, I guess that is what you suggested.

Mr. HANSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado [Mr. HEFLEY], a sponsor of the bill, who possibly has a better answer on that.

Mr. HEFLEY. Mr. Speaker, the gentleman answered the question very well. They were all on the list when we first started out. But there were many groups out there that were trying to pick this as some kind of a closure bill and were saying, well, they are going to close Yellowstone or Yosemite or Grand Canyon, and in order to alleviate those fears, those are national parks. They are the highest level of recognition that you can have in our parks system. They have undergone the scrutiny of the ages. They are not going to be closed, there is no question about that. So we thought in order to alleviate that fear and concern, we just took them off.

Mr. COLEMAN. Mr. Speaker, if the gentleman will continue to yield, I guess what the gentleman from Colorado just said hits right home in the Southwestern part of the United States. I mean I think that what you are doing is creating the same kind of fear. A lot of this is in my district, but a lot in the Southwest think exactly the same of the national monument in the same context as we do of Yosemite that somebody else may think looks prettier. Like you said, it is in the eye of the beholder.

Mr. Speaker, we should have listed all of them, if this is a true process, one that is going to be fair and open, and I think it is a mistake for us to pass legislation that is not fair.

Mr. HANSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I think the distinction here is one you ought to pay attention to. These are national parks. We are talking about those that are designated national parks in law, by the Congress; we designated them national parks. So the issue is in terms of 368 units. In other words, there are different designations and you have to pay attention when they are talking about using resources wisely. If in fact something is meritorious and should be designated a national park, then you should do it. It is not a unit of the National Park System, these are actually designated. So there is a difference in designation, a difference in where you want to concentrate your resources. That is why pulling them out makes sense in terms of dollars and in terms of what is going out.

Mr. RICHARDSON. Mr. Speaker, will the gentleman yield for a question?

Mr. HANSEN. I yield to the gentleman from New Mexico.

Mr. RICHARDSON. Mr. Speaker, if the gentleman would please answer me, why not allow an alternative to finance the parks that involves concessions fees, and please address the point that this is not the same bill as we passed last year. This is a much stronger parks bill.

Mr. HANSEN. Mr. Speaker, reclaiming my time, let me quickly respond. The gentleman realizes and knows that the park committee has in front of it a park fee bill right now. We love our parks. We want to take care of our parks. We have to get more money in our parks, and we have a bill that we think would take care of it. It is not included in this bill, but we have one that I would hope we would have the support of the House and the Senate when we are able to bring it forth.

Mr. Speaker, I reserve the balance of my time.

Mr. RICHARDSON. Mr. Speaker, I yield myself the remainder of my time.

The SPEAKER pro tempore. The gentleman from New Mexico is recognized for 1 minute.

(Mr. RICHARDSON asked and was given permission to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, this is a parks closure bill and we should vote ''no'' so that it can go back to rules and there can be proper debate. The League of Conservation Voters has just issued a statement opposing this bill signed by the major environmental organizations. I want my colleagues in the CONGRESSIONAL RECORD tomorrow to read the national park units, the smaller ones, that might be at risk in their congressional districts if this bill passes.

Mr. Speaker, this is a bad bill, it creates a Parks Closure Commission, it weakens our authority, it says to the National Park System, the park rangers, your views are not important, and it puts a lot of national monuments like Mount Rushmore, Lincoln, Jefferson, at risk. This is a railroad process. Let us go back to committee, allow for alternatives.

This is why the Clinton administration is against this bill. Every major

environmental organization is against this bill, and hopefully, the House of Representatives tomorrow will vote a resounding ''no'' that we should do this bill right.

Mr. Speaker, I include the following material for the RECORD.

[From the Salt Lake Tribune, May 6, 1995]

DON'T CLOSE THE PARKS

Generally, people want to enter a national park; they want to leave a military base. Indeed, there is little that the two have in common, other than that they are both federally owned. Yet there is inexplicable sentiment in Congress for providing a common element to both—a closure commission.

A bill known as HR 260, which has already passed Utah Rep. Jim Hansen's subcommittee and is due up before the full House Resources Committee this month. Proposes the formation of a Park System Review Commission. It would do for national park units what the Base Realignment and Closure Commission has done for military bases: It would close them.

Closure is appropriate for some unneeded military bases, but not so for national park units, which presumably have an unchanging value. After all, national parks were created for purposes of preservation and posterity, not for the every-shifting requirements of national defense. Existing park units simply should not be exposed to the whims of an independent commission.

The issue has surfaced because the National Park Service has been having problems adequately funding all 368 units in its system. One complaint is that the system is overloaded with units that don't belong, units that were designated at the behest of some congressman trying to bring home the pork for his district.

This problem can be addressed without the creation of a park closure commission. For starters, Congress can support the portion of HR 260 that calls for the Interior secretary to devise tighter criteria for additions to the NPS, thereby safeguarding the system from selfish lawmakers.

Then, if Congress still feels that undeserving units have crept into the system, it can simply deauthorize them itself, as it did last year with the John F. Kennedy Center for the Performing Arts. It does not need some new level of bureaucracy to do this.

The rationale behind a park closure commission is that it would save money for the NPS. Well, as the BRAC members can testify, it would cost a lot of upfront money to close these units. And once closed, who would operate them—the states, or some other division of the federal government? How do the taxpayers save on that?

If the goal is to improve NPS finances, then start with passage of park concessions reform or entrance fee reform. Start funneling such fees back into the parks, instead of the national treasury. It makes little sense to set up a mechanism to close parks when proposed methods to increase park revenues have not been implemented first.

National parks are not at all like military bases. They were created to establish a natural or historical legacy for future generations. They don't need a closure commission; they need more creative ways to stay open.

[From the St. Louis Post-Dispatch, July 17, 1995]

AMERICA FOR SALE

Americans can be justifiably proud of their national park system. This treasure preserves areas of awesome natural beauty, monuments of historical significance, indigenous wildlife and an appreciation of this country's remarkably diverse landscape. But that record apparently isn't good enough to save the national parks from the GOP budget ax.

The Republican budget resolution would make excessive cutbacks in the National Park Service. This year's budget of $1.42 billion, already drastically insufficient to maintain the system properly, would be sliced to $1.12 billion in 1996, a 21 percent reduction. By the magic date of 2002, the year of the balanced budget, the Park Service would be down 36 percent from today. At the same time, visits to national parks are expected to grow from an estimated 270 million this year to 300 million in the next five years. It doesn't take much of imagination to figure out that something has to give.

The victim could be the parks themselves. A bill in Congress, H.R. 260, would dismantle the national park system. It would set up a commission, along the lines of the commission on base closures, to determine which parks should be closed—and presumably sold off to the highest bidder. Supposedly, the process would exclude the so-called crown jewels of the system, such as the Grand Canyon, Yellowstone or Yosemite. But less popular parks, or parks that cater mostly to locals could be dumped.

For too long, the National Park Service has been grossly underfunded. The result has been deferred maintenance, repair and construction, especially in parks like Yellowstone or the Grand Canyon, which are deluged with visitors. After years of starving the parks, the answer isn't to kill them outright. It's to give the National Park Service the money to do its job right.

In a time of belt tightening, how can that be done? Entrance fees can be raised, although care must be taken not to deprive Americans of modest means of their ability to enjoy the parks. Another solution is to increase the paltry sum paid by private concessions to the National Park Service for the privilege of operating hotels, restaurants and other services—and to introduce competitive bidding in the process of awarding concessions. According to The New York Times, concessions in national parks made $653 million in 1993, but the parks got back only $18.7 million, or 2.8 percent.

The national parks are too precious to lose. They can and should be saved, without destroying the whole system.

[From the Wichita Eagle, Aug. 25, 1995]

NATIONAL PARKS DESERVE HELP TO PROTECT NATION'S HERITAGE

The lines of cars, trailers and campers pile up at Yellowstone National Park, at Yosemite, all across the land. Americans love their national parks.

You'd think the passion for parks would spur more and better maintenance and improvements at these national treasures. But the reverse seems to be true. Sadly, the more Americans use the national parks, the more run-down they become.

The National Park Service has an annual budget of $972 million, of which users fund about $100 million. The budget falls short of the need; the result is a backlog of maintenance and construction projects that has now reached to more than $4 billion.

In recent years, Congress has been in no mood to come up with a big infusion of cash. Now, in fact, some members are talking about closing some parks to make the system more ''cost-efficient.''

Certainly, a hard look at the National Park System is a good idea. Yes, the system's spending priorities haven't always been on target. The new $80 million Steamtown National Historic Park in Pennsylvania is one example; critics rightly say it has little to do with railroad history, or any other kind. And the park system has some questionable elements: the Santa Monica Mountains National Recreation Area is a city park and Wolf Trap in Virginia is really a venue for concerts.

But this country needs more national park space, not less, and it needs to do a much better job of maintaining and improving what it has. That, of course, creates a sizzling conflict between two American values: a love for parks and a passion for cutting federal spending.

There's a bottom line here that is not totally about the bottom line. Yes, the national parks should be run efficiently. Yes, users should pay more. But the parks are priceless public places—for preservation, education and recreation for all Americans. If it costs more money to protect and expand them, it's a worthy investment in America's spectacular natural and historical heritage.

[From the Las Vegas Sun, Aug. 27, 1995]

GOP READIES LAND GRAB OF OUR PARKS

When the Republican House prepares to decimate the nation's parks next month get ready for the bull-dozers. Our national heritage will never be the same.

Several conservative congressmen, who like to throw out government babies with the bath water, have taken aim at the National Park Service to cull out parks they don't like.

One plan would create a commission, much like the panel to close military bases, to select parks to be turned over to the States or private interests.

And which parks would suffer? Rep. James Hansen, R-Utah, offers a clue. He says Great Basin Park, the only national park in Nevada, ''does not have the true definition of park criteria.'' Great Basin was created in 1986 and protects 77,000 acres of pristine woodland northeast of Ely. About 90,000 people a year visit the park.

The park was the result of hard-fought efforts by Sen. Harry Reid, D-Nev., who wanted to preserve a small piece of Nevada for future generations. Sen. Richard Bryan, D-Nev., says parks provide recreation for families.

He doesn't understand how closing national parks squares with ''family values'' oriented GOP.

But this isn't a family value issue. It has more to do with GOP's links to big business and land exploiters and a growing disdain for the public interest.

Sen. Frank Murkowski, R-Alaska, a proponent of littering Southern Nevada with nuclear waste, wants alternative solutions for parks, like private operations.

Rep. Jerry Lewis, R-Calif., has fought the California Desert Protection Act tooth-and-nail to benefit land exploiters.

Critics point to inefficient park management and a growing backlog of maintenance projects.

But it was Congress that expanded the park system without providing additional funding. Park personnel are spread more thinly than before.

Critics insist, under their plan, parks like Steam National Historical Park in Pennsylvania wouldn't have been created.

But that $80 million park was the brainstorm of Pennsylvania congressmen, not the Park Service.

We think there's more afoot here than Park Service efficiency. A massive land sell-off is more likely. Arizona may be a good example.

Republican Gov. Fife Symington has lobbied for his state to take over Park Service properties, while his agents sold off a portion of a historic landmark.

These same congressmen have conveniently forgotten that the public lands and parks systems were the legacy of their party.

President Theodore Roosevelt, never a liberal big-spender, nevertheless set aside thousands of acres of dwindling wilderness lands to benefit future generations.

He was afraid an important heritage might be lost.

Lucky for Teddy he isn't around to see the latest crop of House Republicans.

[From the New York Times, July 4, 1995]

PARKS IN PERIL

This is the time of year when Americans begin flocking to their national parks. Some will find what they were looking for: vistas of spectacular beauty, hours of restorative silence. But others may find themselves wondering whether they have traded one rat race for another. The national parks contain most of America's greatest scenic wonders. They also suffer from the urban nuisances vacationers had hoped to leave behind: traffic jams, noise, dirty air and garbage.

There is, as Representative Bill Richardson of New Mexico notes, ''trouble in paradise.'' If past experience is any guide, for example, there will be gridlock today in Yosemite. By one estimate, the Grand Canyon alone needs $350 million to repair roads, sewers and water systems. Many of the park system's 22,000 historic buildings, as any visitor to Ellis Island can confirm, are simply falling apart.

Human overload is the most visible culprit. Nationwide attendance at the Park Service's 368 separate units is expected to reach 270 million this year, 300 million by the turn of the century. But the real culprit is Congress. In the past 20 years, it has established more than 80 new parks while refusing to give the Interior Department's Park Service enough money to do its job. The service's $1.5 billion annual budget barely covers operating costs. The result is an estimated $6 billion repair and construction backlog.

Congress is responsible for cleaning up the mess it created. The question is how. Not surprisingly, given Washington's anti-environmental, budget-conscious mood, the most popular option is to trim back the system itself. A bill before the House would direct the Interior Department to review all parks and determine which ones are ''nationally significant.'' At that point, a special commission would decide which parks should get the ax and then present its list to Congress.

The proposal excludes 54 ''major'' national parks but leaves open for review more than 300 monuments, historic sites, scenic trails, urban parks and assorted recreation areas.

On its surface, this bill, co-sponsored by Joel Hefley, Republican of Colorado, and Bruce Vento, Democrat of Minnesota, has an appealing simplicity. The park system definitely includes substandard sites—what Mr. Hefley calls ''pork parks,'' shoe-horned into the system to enhance local economies and the careers of the politicians who sponsored them. Get rid of these, Mr. Hefley argues, and we will have more money to spend on the ''crown jewels'' like Yellowstone and the Grand Canyon.

In the end, though, this is an unnecessarily messy and potentially dangerous approach to the problem. Mr. Vento says that Congress will vote on each recommendation ''on its merits.'' But a more likely scenario is that the proposed closings will be lumped together in one omnibus ''closings'' bill, threatening valuable wilderness along with mediocre sites that do not belong in the system.

A more positive approach to rescuing the parks is contained in two other bills confronting the Senate and House. One would overhaul entrance fees, which are ridiculously low. The average entrance fee is $3, less than half the cost of a ticket to ''Batman Forever.'' A carload of people can explore Yellowstone for a whole week for only $10—the same price they would have paid in 1916. Doubling entrance fees, a not unreasonable proposition, could generate an extra $100 million for the parks.

The second bill would end the sweetheart contracts awarded years ago to the companies that run the lodges, souvenir shops and other facilities inside the parks. In 1993, concessions generated gross revenues of $657 million but returned only $18.7 million—2.8 per cent—to the Federal Treasury. The bill would mandate competitive bidding for these lucrative enterprises, giving the Park Service a bigger cut of the proceeds and generating $60 million more for long-neglected repairs.

Both measures were well on their way to approval when time ran out on the 103d Congress last December. There is now in place a vastly different Congress, more inclined to budgetary parsimony than environmental stewardship. Its basic philosophy is that to save the patient we have to cut off an arm here, a leg there.

That is the wrong way to go. The right way is to provide the park system with enough resources not just to survive but to renew itself. The language in the original mandate establishing the Park Service was unambiguous. The national parks should be left ''unimpaired for the enjoyment of future generations.'' Congress wrote that language, and Congress needs to honor it now.

[From the Miami Herald, June 27, 1995]

FOR SALE: NATIONAL PARKS

CONGRESSIONAL BUDGET CUTS AND ANTI-GOVERNMENT ATTITUDES THREATEN AMERICA'S HERITAGE

''Pssst, want to buy a national park? No, not Yellowstone, not Yosemite, not Grand Canyon (or at least not yet). How 'bout Gateway overlooking Manhattan, Cuyahoga Valley outside Cleveland, San Francisco's Golden Gate and Presidio? Miami's Biscayne on the Atlantic Coast? Now, there's a deal. Right on the highway to the Keys, perfect for development * * *''

Haven't you heard? Congress's Republicans want to sell the nation's urban parks. They cost too much, you know? Got to cut taxes, balance the budget. Government shouldn't own land—this whole idea of public lands, public parks * * * passe * * * not something government should be doing.

Did American voters knowingly seat a Congress that shows such antipathy to the environment, natural resources, public parks, even recreation? Bill after bill keeps coming—mostly from the House: a Clean Water Act that dismantles pollution controls; a regulatory reform act that encourages junk science and invites lawsuits; a property-rights bill intended to spike protection for endangered species; and now HR 260, setting up a park-closure commission, and a 1996 budget resolution too skimpy to keep the 368 national parks and historic sites open.

The National Park Service will spend $1.42 billion this year. The Republican budget resolution scheduled for House debate this week cuts that by 21 percent to $1.12 billion for 1996. By 2002, spending for parks is to be 36 percent less. There will be no choice but to close some parks, recreation areas, monuments, battlefields, and riverways, while reducing hours, programs, and maintenance at others.

Targeted are the 200 ''smallest'' units including Biscayne, but also Tennessee's Obed Wild and Scenic River (adjacent to the site of next year's Olympic whitewater competition), historic homes of Abraham Lincoln and Booker T. Washington, the Civil War battlefields of Antietam and Petersburg, California's channel Islands, and Utah's great red sandstone Arches. At Philadelphia's Independence National Historical Park, nine of the 14 buildings now open would be closed. At Great Smoky Mountains, the nature walks and talks would be eliminated. At Everglades, the Long Pine Key and Flamingo campgrounds would close. The Clinton administration has recommended alternatives, but the GOP isn't interested.

That's because the budget resolution effectually implements a program laid out by the House Resources Committee to sell parks. Although not yet voted on by the House, HR 260 gives Interior Secretary Bruce Babbitt two years to come up with a list of parks to close and establishes a National Park Service Review Commission to do the job if the secretary doesn't. The list would be sent to Congress for the final say.

How does one countenance selling these national treasures? Ask the Republicans in Congress.

[From the St. Louis Post-Dispatch, Aug. 14, 1995]

PRESERVE AMERICA'S PAST

Everyone seems to agree that the national park system is in trouble. Its budget has not kept pace with the parks' ever-increasing popularity. The result is obvious and predictable: deferred maintenance and the deterioration of facilities and resources, both natural and historic.

When Americans think of their national parks, they think mostly of their natural beauty and of their plants, animals and spectacular landscapes. But these parks also include archaeological and historic structures. As The New York Times has reported, far too many of these structures under the care of the National Park Service—the system's ''parkitecture''—are in a state of serious, perhaps irreparable decay. The price tag to preserve these historic buildings could reach $1.5 billion, considerably more than the $1.12 billion the Republicans want for the entire 1996 National Park Service budget.

Public-private partnerships have been formed to rescue some prominent structures, such as the Sperry and Granite Park Chalets in Montana's Glacier National Park, and such projects should be encouraged wherever possible. Yet the condition of the parks and its ''parkitecture'' argues for a far more comprehensive approach to their care.

That approach can be found in H.R. 2181, the Common Sense National Park System Reform Act, sponsored by U.S. Rep. Bill Richardson, a Democrat from New Mexico. This reform bill, which has bipartisan support, stands in distinct contrast to a more Draconian bill, H.R. 260, that would establish a park closure commission. Mr. Richardson's intent is to save the system, not gut it. It is an especially helpful approach at a time when the park service's budget, which should be increasing to meet the public's demand, is actually decreasing.

Mr. Richardson's bill would raise more money for the parks from concessionaires operating in the parks and from visitors and users. Right now businesses operating in the parks, including hotels and restaurants, pay next to nothing for the privilege of making gigantic profits. Introducing a system of competitive bidding for concessions would provide more money, part of which would go into a park improvements fund. This bill would also raise entrance and user fees, though not outrageously, and divert part of the proceeds into a park renewal fund.

The national parks are among the most precious and most cherished resources in

this country. This bill would help restore them to their past glory.

[From the Philadelphia Inquirer, Aug. 27, 1995]

PARK BENCHMARKS

WINNOW IMPOSTORS FROM THE NATION'S PARK SYSTEM? SURE, BUT DON'T REDUCE IT TO JUST A FEW, SELECT JEWELS

Anyone who has paid a lick of attention knows that America's national parks aren't without their problems—a chief one being, interestingly, that many are too darn popular for their own good. You've seen the pictures of Yellowstone traffic jams. Maybe you got stuck in one in the Great Smoky Mountains. And it's not exactly a secret in Philadelphia that a jewel of our nation's history—Independence Hall—had to wait far too long for its ongoing overhaul.

Fewer people know that there are a couple of ringers in the system, too. Steamtown National Historical Park in Scranton, for instance, poses as a site of significance in the development of the U.S. rail system, but is really more of a monument to the pork-winning talents of a Scranton congressman.

And it seems like only a more handful of folks are tuned in to the fact that come fall, Congress has teed up a bill that would set up a park-closure commission, and as is fashionable these days, consider foisting management of some of them off onto the states. (Not that the cash-strapped states are clamoring for the honor.)

At first glance, the bill seems harmless—and it taps all the voguish budget-cutting buttons. One of its prime movers, Rep. James V. Hansen, a Utah Republican, says he's just looking for ''a better return from our parks,'' and a way to raise money for the bigger parks' backlogged maintenance budgets.

But there are flies in the ointment. One is that Congress can already decommission any part it wants to—without a new commission. (Last year, in fact, the Kennedy Center for the Performing Arts in Washington was congressionally removed from Park Service jurisdiction.)

Opponents of the bill ask whether the new commission—which itself would cost upward of $2 million—would be biased at the outset against urban and historical parks.

Another problem is that once the system is balkanized by farming out operations to state park systems and such, Americans may find themselves facing—instead of uniformly run parks—a checkered quilt of good, bad and ugly operations. (How long would it be, indeed, until an outcry went up to turn over more federal funding to states hard-pressed to keep certain parks up to standard?)

Third, though the West's treasured parklands are technically off the table, aspects of the ''park-reform'' agenda would make it more difficult to donate land to parks such as Virginia's Shenandoah National Park, thus making their periphery ripe for commercial developments.

But the largest flaw in the legislation—and the one that subverts its pretense of going to bat for the taxpayer—is that its sponsors have actively blocked action on concession reform that would give the Park Service more of each dollar spent at privately run eateries and lodgings at national parks.

By some estimates, if concessionaires such as Philadelphia-based ARA services had to pay the same cut of their gross from park business that they do at stadiums and other public facilities, the parks could pocket $50 million or more annually.

If Congress wants to tighten up on the requirements to become part of the park system, no problem. (See Steamtown above.) If it wants raise some user fees that don't overburden families, no problem. But we're skeptical of those who argue that Americans deserve better value from their parklands, while failing to argue that they deserve a better return from the businesses that make a bundle from park concessions.

[From the Deseret News, Dec. 17, 1994]

PLAN FOR PARK-CLOSURE PANEL ASSAILED

ASSOCIATION SAYS THE AGENDA SHOULD INCLUDE MORE THAN SHUTDOWNS

The National Parks and Conservation Association, an advocacy group with 475,000 members, has opposed the idea of establishing a commission to decide which national parks should be closed.

Rep. Jim Hansen, R-Utah, is among conservatives advancing the idea of cutting back the nation's park system.

The parks association ''cannot support a commission whose predetermined goal is solely park closures,'' said Paul C. Pritchard in a three-page letter to Hansen. ''If a commission is formed, it should be a body dedicated to reviewing the existing system and identifying additions and potential closures based on the standards of national significance.''

Allen Freemyer, an attorney for the House Natural Resources Committee, said, ''The basic policy direction is to stop the growth of the national-park system for a little while . . . It's not a matter of whether we're going to close some parks. It's a matter of how we're going to close them.''

Hansen, the second-ranking Republican on the Natural Resources Committee, suggested during the last election campaign that Great Basin National Park on the Utah-Nevada border should be reviewed by a closure commission.

''If you have been there once, you don't need to go again,'' he told the Ogden-Weber Chamber of Commerce.

Hansen last week issued a two-page letter the need for a closure commission. Pritchard responded to that letter.

''Our national-park system currently faces a crisis which stems from too many parks and insufficient funding,'' Hansen wrote. ''In the first 50 years of the national-park system, Congress designated only about 60 park areas. However, in the last six years alone, Congress established 30 new park areas across the country. While Congress is busy creating new parks, our crown jewels are falling into disrepair.''

Hansen said the Park Service has a construction backlog of $6 billion and needs $400 million to $800 million from Congress each year to subsidize its budget.

Pritchard said that last year Hansen opposed a bill that would have generated an extra $45 million to $60 million by increasing the fees paid by park concessionaires. Hansen said higher fees would have driven concessionaires out of business and cost the government more in the long run.

[From the Elko Daily Free Press, July 31, 1995]

ESA REWRITE DOMINATED WESTERN STATES SUMMIT

(By Don Bowman)

Rewriting the Endangered Species Act was the focus of the Western States Summit IV, which concluded in Albuquerque, N.M., July 15. The meeting was strongly supported by state legislators of Utah and Arizona, as well as county commissioners and congressmen from many western states.

Shaken by the recent U.S. Supreme Court decision on Sweet Home, there was consistent call for Congress to make the act more sensitive to the people or repeal it. Rep. Jim Hansen, R-Utah, said, ''The Endangered Species Act degenerated from a protective law into something Congress never anticipated, nor intended to foist on the people. The agencies went far beyond the intentions of the act.'' He advocated a new ESA that protected private property, changed the listing process, required sound social and economic concerns, allowed local voice and made people who filed for a listing of species post a bond and show credentials.

Continuing on, Hansen said the National Park Service needed serious reform. ''One hundred and fifty parks of the some 368 need to be dropped,'' Hansen said, giving an example of one park that had a budget of $300,000 per year and only 50 visitors per year. ''When a bureaucracy reaches a certain critical mass, its only goal is to insure its own propagation. It begins to serve the monster rather than the people.'' Hansen said.

The state rights issues also was a hot topic and most attendees agreed the highlight of the meeting was the talk given by Lana Marcussen, a New Mexico attorney working with lands issues. Speaking on states' rights and sovereignty with an extraordinary amount of case reference recalled at will, the attorney was surrounded by people wherever she stopped. Her federalism argument was used in the New Mexico vs. Watkins case that went to the Supreme Court, which ruled the federal government had to apply to the State of New Mexico for low level nuclear waste permits. Her talks focused on the rights of the people to hold the state and federal governments accountable.

Marcussen said there had been a tremendous shift by the courts in favor of state sovereignty. The court has limited the federal government's power to compel states to do their bidding in the case of New York vs. U.S., another nuclear waste case. In addition, the Brady bill has been declared unconstitutional in at least three district courts.

Federal control seems to be crumbling under the challenges of the people time after time, she said.

During the conference, the Supreme Court ruled a governor could not make a special pact for Indian gambling. This is the first time a court has ruled against a governor after the Interior Department has approved the compact. ''With recent court decisions such as Adarand (affirmative action) and Lucas (federal powers under the Commerce Clause), Indian sovereignty is no more,'' Marcussen said. ''This is the beginning of the end of the Bureau of Indian Affairs. How can a racially oriented agency continue?''

Perry Pendley of the Mountain States Legal Foundation, who argued the Adarand case in the Supreme Court, told attendees ''The environmentalists want it all—even the two thirds of this country that is private land.—The very basis of this government was built on property rights. If you have no property right you have no freedom.''

The summit was sponsored by the Western States Coalition, founded by Met Johnson and Rob Bishop. the organization has been instrumental in establishing state constitutional defense councils, involved in legislative protection of property rights and a major voice in Congress on rural issues. The next Western States Summit is expected to be held in California.

CONGRESSMAN BILL RICHARDSON—TALKING POINTS IN OPPOSITION TO H.R. 260

WHO OPPOSES H.R. 260?

The Clinton Administration.
The Department of Interior.
The National Park Service.
The League of Conservation Voters.
National Parks and Conservation Association.
The Wilderness Society.

Sierra Club.
Izaak Walton League of America.
Friends of Earth.
Sierra Club Legal Defense Fund.
American Hiking Society.
Defenders of Wildlife.

WHAT NEWSPAPERS HAVE ISSUED EDITORIALS AGAINST H.R. 260?

The Salt Lake Tribune.
The St. Louis Post-Dispatch.
The New York Times.
The Miami Herald.
The Philadelphia Herald.
The Wichita Eagle.
The Las Vegas Sun.

WHAT DOES H.R. 260 DO?

Creates a park closure commission to recommend specific units of the National Park System for closure, privatization or sale to the highest bidder.

Weaken Congress' statutory authority to make decisions on park management by granting broad powers to a politically appointed commission;

Send a strong signal to the American people that Congress does not have the political will to carry out its responsibilities of oversight over the National Park Service;

Exempt the 54 National Park units from closure, leaving less visited, smaller budgeted parks and important national monuments like Independence Hall, the Statue of Liberty, Mt. Rushmore, the Washington, Lincoln and Jefferson Monuments and the Martin Luther King Jr. Historic Site on the chopping block.

Require the National Park Service (NPS) to prepare a financial management plan for Congress to ensure accountability within the system;

Require the NPS (not a politically-appointed park closure commission) to prepare a description of types of resources not currently in the system, refine the definitions for current units of the system and submit a report to Congress identifying which units of the System do not conform with the revised park criteria from the new plan;

Reform the current NPS concessions policy to mandate open competition for large concessions contracts while shielding high-performance ''mom and pop'' or small businesses with revenues under $500,000 per year from preserving the right to match competing bids on contract renewals AND require that a portion of the concession fees paid remain in the park unit in which they are generated to fund necessary improvements on site, etc.

Reform the current NPS entrance fee policy to increase the amount of money coming into the park from visitors AND require that a portion of these fees remain in the park unit in which they are generated for site specific needs.

LEAGUE OF CONSERVATION VOTERS,
Washington, DC, September 18, 1995.

Re oppose H.R. 260, the National Park System Reform Act.

HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE: The League of Conservation Voters is the bipartisan, political arm of the national environmental movement. Each year, LCV publishes the National Environmental Scorecard, which details the voting records of Members of Congress on environmental legislation. The Scorecard is distributed to LCV members, concerned voters nationwide and the press.

This Tuesday, the House of Representatives is expected to vote on a motion to suspend the rules and consider H.R. 260, the National Park System Reform Act. Under the guise of reforming and improving the National Park System H.R. 260 creates a politically appointed commission, whose sole responsibility would be to determine which park units should be closed. While there may be units in the National Park System that deserve scrutiny, LCV opposes the creation of a politically appointed parks closure commission and urges you to vote against passage of H.R. 260.

H.R. 260, and the parks closure commission it creates, threatens 315 units of the National Park System including: urban parks, historic sites, national monuments, national seashores, national recreation areas, and Civil War Battlefields. Instead of considering ways to improve the National Park System H.R. 260 unnecessarily creates a new layer of government and an expensive bureaucratic process, when in fact Congress already has the authority to remove units from the National Park System.

LCV views H.R. 260 as an assault on the protection of our cultural and natural heritage. By bringing H.R. 260 to the House floor on the suspensions calendar Members are prevented from offering amendments which could significantly improve this flawed legislation. LCV beleves that the full House of Representatives, like the House Resources Committee, should have an opportunity to vote on an amendment to delete the park closure commission. LCV urges you to oppose H.R. 260 so that this and other amendments can be offered under regular House procedures. LCV's Political Advisory Committee will consider including a vote on passage of H.R. 260 in compiling its 1995 Scorecard.

Thank you for your consideration of this issue. For further information, please call Betsy Loyless in my office at 202/785–8683.

Sincerely,

FRANK LOY,
Acting President.

AMERICAN HIKING SOCIETY, DEFENDERS OF WILDLIFE, ENVIRONMENTAL ACTION FOUNDATION, FRIENDS OF THE EARTH, IZAAK WALTON LEAGUE, NATIONAL PARKS AND CONSERVATION ASSOCIATION, SIERRA CLUB, SIERRA CLUB LEGAL DEFENSE FUND, THE WILDERNESS SOCIETY,

September 18, 1995.

DEAR REPRESENTATIVE: We are writing to urge you to vote against H.R. 260, the National Park System Reform Act, when the House considers this ill-advised legislation. The bill will be debated on the suspension calendar on Monday, September 18 and a vote is expected to occur the following day.

Unlike the version of this legislation which passed the House of Representatives last year, H.R. 260 would formally establish a politically appointed park closure commission as part of a review of the National Park System. This would set in motion a process to close parks, or portions of parks.

This is controversial legislation that has no place on the suspension calendar. Evidence of its contentiousness has been demonstrated by the dozens of newspapers across America that have editorialized against H.R. 260. By limiting debate and prohibiting Members of Congress from offering amendments, the legislation cannot be improved by the whole House of Representatives. The precedent for how this bill is being considered, and the process it sets in motion are ominous. If the Resources Committee gags the House of Representatives, what will the park closure commission do to the American people?

This legislation also creates another unnecessary layer of government and an elaborate bureaucratic process. It requires the National Park Service to conduct a review of the National Park System and recommend sites to be deleted from the system; then, it creates a politically appointed commission to conduct the same process. The National Park Service already has the authority to recommend the removal of a unit from the National Park System, and Congress has the authority to remove units from the National Park System. It has exercised this authority throughout the history of the National Park System, as demonstrated when Congress removed the John F. Kennedy Center for the Performing Arts last year.

The consideration of H.R. 260 on the suspension calendar is tantamount to a closed process to close parks. By voting against H.R. 260, you will be voting for a fair and open process on important decisions with respect to the management of our nation's cultural and natural heritage.

Sincerely,

David Lillard, President, American Hiking Society; James K. Wyerman, V.P. for Programs, Defenders of Wildlife; Margaret Morgan-Hubbard, Executive Director, Environmental Action Foundation; Brent Blackwelder, V.P. for Policy, Friends of the Earth; Paul Hansen, Executive Director, Izaak Walton League of America; William J. Chandler, V.P. for Conservation Policy, National Parks & Conservation Association; Melanie Griffin, Director of Public Lands, Sierra Club; Marty Hayden, Senior Policy Analyst, Sierra Club Legal Defense Fund; Rindy O'Brien, V.P. for Public Policy, The Wilderness Society.

THE 200 SMALLEST BUDGET PARKS

[Fiscal years]

	National Park Service park units	1995 park base	Cumulative 1995 park base
1	Cane River Creole NHP	0	0
2	New Orleans Jazz NHP	0	0
3	Salt River Bay NHP and Ecological Preserve	0	0
4	Natchez Trace NST	25,000	25,000
5	Saint Croix Island IHS	54,000	79,000
6	Bluestone NSR	61,000	140,000
7	Devils Postpile NM	92,000	232,000
8	Rainbow Bridge NM	99,000	331,000
9	Hovenweep NM and Yucca House NM	107,000	438,000
10	Thaddeus Kosciuszko NMem	128,000	566,000
11	Ebey's Landing Nat'l Historical Reserve	135,000	701,000
12	Hamilton Grange NMem	139,000	840,000
13	Theodore Roosevelt Inaugural NHS	155,000	995,000
14	Aniakchak NM and Preserve	160,000	1,155,000
15	Thomas Stone NHS	172,000	1,327,000
16	National Park of American Samoa	192,000	1,519,000
17	Obed Wild and Scenic River	199,000	1,718,000
18	Theodore Roosevelt Birthplace NHS	200,000	1,918,000
19	Russell Cave NM	202,000	2,120,000
20	Gila Cliff Dwellings NM	205,000	2,325,000
21	Maggie L. Walker NHS	210,000	2,535,000
22	City of Rocks National Reserve	211,000	2,746,000
23	Keweenaw NHP	212,000	2,958,000
24	Gauley NRA	217,000	3,175,000
25	Ninety Six NHS	221,000	3,396,000
26	John F. Kennedy NHS	225,000	3,621,000
27	Dayton Aviation NHP	228,000	3,849,000
28	Manzanar NHS	232,000	4,081,000
29	Moores Creek NB	238,000	4,319,000
30	Coronado NMem	251,000	4,570,000
31	Hagerman Fossil Beds NM	257,000	4,827,000
32	Eugene O'Neill NHS	260,000	5,087,000
33	Cedar Breaks NM	263,000	5,350,000
34	Muir Woods NM	273,000	5,623,000
35	Big Hole NB	274,000	5,897,000
36	Saint Paul's Church NHS	280,000	6,177,000
37	William Howard Taft NHS	283,000	6,460,000
38	Cowpens NB	285,000	6,745,000
39	Edgar Allan Poe NHS	286,000	7,031,000
40	Palo Alto Battlefield NHS	297,000	7,328,000
41	Pipe Spring NM	297,000	7,625,000
42	Roger William NMem	299,000	7,924,000
43	De Soto NMem	302,000	8,226,000
44	Puukohola Heiau NHS	302,000	8,528,000
45	Brown v. Board of Education NHS	303,000	8,831,000
46	Mary McLeod Bethune Council House NHS	305,000	9,136,000
47	Fort Point NHS	311,000	9,447,000
48	Mojave NP	312,000	9,759,000
49	Klondike Gold Rush NHP (Seattle)	313,000	10,072,000
50	Monocacy NB	314,000	10,386,000
51	Horseshoe Bend NMP	321,000	10,707,000
52	Knife River Indian Village NHS	322,000	11,029,000
53	Tonto NM	322,000	11,351,000

THE 200 SMALLEST BUDGET PARKS—Continued

[Fiscal years]

	National Park Service park units	1995 park base	Cumulative 1995 park base
54	Natural Bridges NM	327,000	11,678,000
55	Congaree Swamp NM	328,000	12,006,000
56	Fort Caroline NMem	336,000	12,342,000
57	Fort Union Trading Post NHS	336,000	12,678,000
58	Friendship Hill NHS	338,000	13,016,000
59	Charles Pickney NHS	339,000	13,355,000
60	El Morro NM	342,000	13,697,000
61	Aztec Ruins NM	343,000	14,040,000
62	Casa Grande Ruins NM and Hohokam Pima NM	348,000	14,388,000
63	Tumacacori NHP	353,000	14,741,000
64	Fossil Butte NM	357,000	15,098,000
65	Andrew Johnson NHS	359,000	15,457,000
66	Piscataway Park	361,000	15,818,000
67	Weir Farm NHS	367,000	16,185,000
68	Boston African American NHS	376,000	16,561,000
69	Federal Hall NMem	380,000	16,941,000
70	Stones River NB	380,000	17,321,000
71	Homestead NM of America	382,000	17,703,000
72	Niobrara/Missouri NR	387,000	18,090,000
73	Whitman Mission NHS	388,000	18,478,000
74	Longfellow NHS	389,000	18,867,000
75	Hampton NHS	391,000	19,258,000
76	John Muir NHS	393,000	19,651,000
77	Agate Fossil Beds NM	394,000	20,045,000
78	Oregon Caves NM	396,000	20,441,000
79	Capulin Volcano NM	398,000	20,839,000
80	John D. Rockefeller, Jr., Mem Parkway	400,000	21,239,000
81	Jimmy Carter NHS	404,000	21,643,000
82	Arkansas Post NMem	417,000	22,060,000
83	Guilford Courthouse NMP	422,000	22,482,000
84	Florissant Fossil Beds NM	423,000	22,905,000
85	San Juan Island NHP	431,000	23,336,000
86	Abraham Lincoln Birthplace NHS	450,000	23,786,000
87	Fort Union NM	452,000	24,238,000
88	Effigy Mounds NM	456,000	24,694,000
89	Fort Frederica NM	466,000	25,160,000
90	Pipestone NM	467,000	25,627,000
91	Fort Smith NHS	472,000	26,099,000
92	Booker T. Washington NM	477,000	26,576,000
93	Kings Mountain NMP	478,000	27,054,000
94	Tuskegee Institute NHS	478,000	27,532,000
95	Timpanogos Cave NM	482,000	28,014,000
96	Hopewell Culture NHP	495,000	28,509,000
97	Eleanor Roosevelt NHS	497,000	29,006,000
98	Ocmulgee NM	498,000	29,504,000
99	George Washington Carver NM	499,000	30,003,000
100	Hubbell Trading Post NHS	501,000	30,504,000
101	Ulysses S. Grant NHS	502,000	31,006,000
102	Castle Clinton NM	503,000	31,509,000
103	Dry Tortugas NP	506,000	32,015,000
104	Fort Clatsop NMem	510,000	32,525,000
105	Pea Ridge NMP	511,000	33,036,000
106	Perry's Victory and Intnl Peace Memorial	511,000	33,547,000
107	Scotts Bluff NM	516,000	34,063,000
108	Timucuan Ecological and Hist Preserve	517,000	34,580,000
109	Devils Tower NM	535,000	35,115,000
110	Ford's Theatre NHS	537,000	35,652,000
111	Navajo NM	539,000	36,191,000
112	George Rogers Clark NHP	547,000	36,738,000
113	Christiansted NHS and Buck Island Reef NM	550,000	37,288,000
114	Golden Spike NHS	552,000	37,840,000
115	Jewel Cave NM	556,000	38,396,000
116	Fort Stanwix NM	558,000	38,954,000
117	Saint-Gaudens NHS	559,000	39,513,000
118	Carl Sandburg Home NHS	563,000	40,076,000
119	General Grant NMem	572,000	40,648,000
120	Kaloko-Honokohau NHP	572,000	41,220,000
121	Grand Portage NM	573,000	41,793,000
122	War in the Pacific NHP	575,000	42,368,000
123	El Malpais NM	579,000	42,947,000
124	Little Bighorn NM	581,000	43,528,000
125	Fort Scott NHS	586,000	44,114,000
126	Fort Larned NHS	597,000	44,711,000
127	Appalachian NST	598,000	45,309,000
128	Fort Pulaski NM	601,000	45,910,000
129	Springfield Armory NHS	613,000	46,523,000
130	Saugus Iron Works NHS	614,000	47,137,000
131	Johnstown Flood NMem	622,000	47,759,000
132	Lincoln Boyhood NMem	622,000	48,381,000
133	Black Canyon of the Gunnison NM	624,000	49,005,000
134	Bent's Old Fort NHS	648,000	49,653,000
135	Fort Donelson NB	655,000	50,308,000
136	Andersonville NHS	661,000	50,969,000
137	Craters of the Moon NM	661,000	51,630,000
138	Fort Davis NHS	679,000	52,309,000
139	Martin Van Buren NHS	687,000	52,996,000
140	Salinas Pueblo Missions NM	693,000	53,689,000
141	John Day Fossil Beds NM	695,000	54,384,000
142	Hopewell Furnace NHS	699,000	55,083,000
143	Great Sand Dunes NM	704,000	55,787,000
144	Little River Canyon Nat'l Preserve	716,000	56,503,000
145	Pu'uhonua O'Honaunau NHP	726,000	57,229,000
146	Appomattox Court House NHP	728,000	57,957,000
147	Greenbelt Park	733,000	58,690,000
148	Montezuma Castle NM and Tuzigoot NM	736,000	59,426,000
149	Wilson's Creek NB	741,000	60,167,000
150	Sagamore Hill NHS	744,000	60,911,000
151	Fort Laramie NHS	746,000	61,657,000
152	Kennesaw Mountain NBP	746,000	62,403,000
153	Petroglyph NM	756,000	63,159,000
154	Herbert Hoover NHS	760,000	63,919,000
155	Colorado NM	765,000	64,684,000
156	Lava Beds NM	776,000	65,460,000
157	Mississippi NR and RA	784,000	66,244,000
158	Grant-Kohrs Ranch NHS	786,000	67,030,000

THE 200 SMALLEST BUDGET PARKS—Continued

[Fiscal years]

	National Park Service park units	1995 park base	Cumulative 1995 park base
159	Women's Rights NHP	796,000	67,826,000
160	Arches NP	798,000	68,624,000
161	Yukon-Charley Rivers Nat'l Preserve	802,000	69,426,000
162	Shiloh NMP	806,000	70,232,000
163	Bering Land Bridge National Preserve	816,000	71,048,000
164	George Washington Birthplace NM	839,000	71,887,000
165	Fort Vancouver NHS	850,000	72,737,000
166	Chiricahua NM and Ft. Bowie NHS	878,000	73,615,000
167	Sitka NHP	888,000	74,503,000
168	Cabrillo NM	899,000	75,400,000
169	Harry S. Truman NHS	902,000	76,302,000
170	Natchez NHP	912,000	77,214,000
171	Eisenhower NHS	919,000	78,133,000
172	Fort Sumter NM	929,000	79,062,000
173	Vanderbilt Mansion NHS	933,000	79,995,000
174	White Sands NM	947,000	80,942,000
175	Kenai Fjords NP	949,000	81,891,000
176	Canyon de Chelly NM	953,000	82,844,000
177	Saratoga NHP	955,000	83,799,000
178	Salem Maritime NHS	1,028,000	84,827,000
179	Manassas NBP	1,038,000	85,865,000
180	Lake Clark NP and Preserve	1,055,000	86,920,000
181	Fort Necessity NB	1,077,000	87,997,000
182	Cape Lookout NS	1,081,000	89,078,000
183	Pecos NHP	1,081,000	90,159,000
184	Kalaupapa NHP	1,091,000	91,250,000
185	Castillo de San Marcos NM and Ft. Matanzas NM	1,092,000	92,342,000
186	Richmond NBP	1,120,000	93,462,000
187	Organ Pipe Cactus NM	1,129,000	94,591,000
188	Nez Perce NHP	1,141,000	95,732,000
189	Cumberland Island NS	1,156,000	96,888,000
190	Fort McHenry NM and Historic Shrine	1,162,000	98,050,000
191	Baltimore-Washington Parkway	1,163,000	99,213,000
192	Mount Rushmore NMem	1,198,000	100,411,000
193	Pictured Rocks NL	1,209,000	101,620,000
194	Wind Cave NP	1,214,000	102,834,000
195	Chaco Culture NHP	1,273,000	104,107,000
196	Gates of the Arctic NP and Preserve	1,285,000	105,392,000
197	Cumberland Gap NHP	1,292,000	106,684,000
198	Pinnacles NM	1,294,000	107,978,000

Mr. HANSEN. Mr. Speaker, I yield myself the remainder of my time.

The SPEAKER pro tempore. The gentleman from Utah [Mr. HANSEN] is recognized for 1½ minutes.

Mr. HANSEN. Mr. Speaker, I hope the gentleman from New Mexico [Mr. RICHARDSON] realizes that the amendment of the gentleman failed 30 to 9 in committee.

Let me again point out, this is not a park closing bill. Nothing in this act shall be construed as modifying or terminating any unit of the National Park System without an act of Congress. That is clear. That is the law we are trying to pass. The GAO came before the committee. They said, it is a mess right now; we urge you to do something. This same piece of legislation, with only one difference, and that was this commission, passed unanimously in this House.

The GAO said, you have three options. Eliminate parks, reduce service, or raise the fees. We are going to come before the American people and ask to raise the fees. In 1960, if you drove your car up to Yellowstone, it cost you $10 to get in. In 1995, if you drive to Yellowstone, it is $10 to get in.

The parks are the best deal in America. We want to keep the parks, we want to enhance the parks, we want to make the parks better. We are not like this thing that points out here in the Washington Times of the park giveaway. We do not agree with that idea from the Clinton administration or Mr. Babbitt.

Please join us in supporting this bill. Let us do something good for the national parks and pass this legislation and move on to other legislation which is very important for the parks of America.

Mrs. MINK of Hawaii. Mr. Speaker, I rise to protest a most contentious piece of legislation that threatens the security of our National Park System [NPS]. H.R. 260, the National Park System Reform Act, puts in jeopardy more than 300 NPS units—some of our smallest and lowest-budget parks, but units that nonetheless capture the essence of our Nation's history, culture, and natural beauty.

The bill would call for a ''death list'' for parks in the development of a National Park System Plan—a recommendation of units among national recreation areas, monuments, preserves, historic sites, and heritage areas—which may be proposed for termination under the bill. This represents an outright denial of our responsibility to protect the American legacy embodied in our national parks.

This bill would repudiate the expertise and discernment of the National Park Service [Service] by instituting a review commission similar to the commission overseeing closure of our military bases. Additionally, Congressional distrust of the Department of Interior [DOI] is evident by a stipulation that should DOI fail to produce the National Park System Plan, this commission would be required to do so. H.R. 260 would introduce a mechanism of excessive congressional oversight in the termination or modification of NPS units by requiring 6 members of this 11-member commission to be appointed by congressional leadership. Through passage of this bill, we would serve the park system a tremendous disservice by allowing it to be highly politicized.

H.R. 260 would strip DOI—the administrative arm overseeing the NPS—of its freedom to work with willing landowners, State governments or municipalities in the creation of new park units. Without the ability to enter into cooperative agreements, DOI will be compromised by an additional level of bureaucracy. The Department will be forced to go through the congressional process to establish new units, which in several cases would mean unnecessary use of taxpayer dollars and a waste of effort.

The State of Hawaii under H.R. 260 would be threatened with the loss of five valuable parks. Kalaupapa National Historical Park is a monument to those with crippling Hansen's Disease. Closure of this park would be most tragic at this time when the figurehead of Kalaupapa, Father Damien deVeuster, is undergoing the process of sainthood.

Kaloko-Honokohau National Historical Park is unique within the NPS as the former site of a thriving settlement of one of our country's native peoples—Native Hawaiians. Within the park's boundaries remain plentiful evidence of the ancient Hawaiian culture that can be found in no other place in the world other than the Hawaiian Islands.

Pu'uhonua o Honaunau National Historical Park also holds very special meaning for Native Hawaiians as the place of refuge—a sacred place upholding basic rules of the Hawaiian society.

Pu'ukohola Heiau National Historical Park preserves a sense of the deep spirituality of the Native Hawaiian people.

H.R. 260 also jeopardizes the future of USS Arizona Memorial which sits at Pearl Harbor as the final resting place for many of the ship's 1,177 crewmen who lost their lives there in 1941.

H.R. 260 would cheat current and future generations of a significant part of American heritage and culture. The National Park System should be reformed through an honest and effective review of park service management and operations, not through the rash elimination of valuable parks benefiting communities in every State.

I emphatically urge my colleagues to defeat this egregious legislation.

Mr. RADANOVICH. Mr. Speaker, I attach a great deal of importance to our system of national parks. It includes many sites that reveal our history and our respect of nature.

Just this past weekend, I had occasion to visit the national military park at Gettysburg, PA. Who could question the wisdom of preserving our country's heritage by providing such a park. That park and many others, including one of the crown jewels, Yosemite National Park, located in my own congressional district, are examples of what national parks are supposed to be. It is out of a concern for the future of our national parks that I support H.R. 260, the National Park Service Reform Act.

This legislation will help solve many of the problems currently facing the National Park Service [NPS] so that it can better meet its objectives of serving visitors and protecting the natural and cultural resources entrusted to it. H.R. 260 does not close a single park or unit. It does require the NPS to further develop a plan and mission for the agency. It then requires that the NPS review the existing 368 areas managed by the agency to determine whether all of them should continue to be managed by the NPS. Any NPS recommendation for the closure of an NPS unit would be subject to review by an independent commission and would require the passage of a separate act of Congress.

As a member of the National Parks, Forests and Lands Subcommittee, I commend Chairman JAMES HANSEN's able leadership for prompting the General Accounting Office's [GAO] telling August 1995 report entitled, ''National Parks: Difficult Choices Need To Be Made About the Future of the Parks.'' The GAO report sights what I, too, view as a ''further deterioration in—national—park conditions.'' I want to acknowledge my acceptance of one of the remedial routes offered in the GAO report, namely, cutting back on the number of units in the system. We do not want to clutter the system with Steamtowns and Suitland Parkways without considering budgetary factors. Though as I said recently in the Fresno Bee, this process ''won't be easy and I'm not saying there won't be problems.''

It is true that some national park entities might eventually be transferred out of the National Park System. Some such transfers may well be warranted, and they would not be new. Just last year the Kennedy Center in Washington, DC., was transferred out of the National Park System. The Kennedy Center still operates, and people still enjoy attending concerts there, but it is simply under new management. Similarly, commuter highways serving Washington, DC, like the Suitland and Baltimore-Washington Parkways should be considered for new management outside of NPS.

It is important to note, Mr. Speaker, that H.R. 260 has the support of both Republican and Democrat members of the Resources Committee, which has jurisdiction over this legislation. It is a good bill, and I am convinced that it will help bring fiscal sanity to the operation of the NPS.

Mr. HOYER. Mr. Speaker, I rise today in opposition to H.R. 260. I am especially troubled that a controversial bill, with bipartisan opposition, would be considered under the Suspension Calendar.

There are some much needed reforms proposed in this bill, including the establishment of a National Park System plan and the requirement for suitability studies of future potential parks.

However, this bill would also seek to sell off much of our Nation's natural, cultural, and recreational heritage: our National Parks.

This bill would create a politically appointed commission whose sole purpose would be to close National Parks for alleged budgetary concerns, not to achieve Park Service reform.

Mr. Speaker, look no further than the recently passed Republican budget for the rationale behind this closure-commission: a 10 percent cut in National Park Service funds, a 5-year land acquisition moratorium, and a 50 percent cut in NPS construction.

This legislation could have a dramatic impact on my Congressional District. My constituency is proud to have three scenic and historically significant park units located within its borders. The pristine environment and preserved historical viewshed of Mount Vernon is captured within the nearly 4,500 acres of Piscataway Park.

This park is just one of the nearly 370 National Parks frequented last year alone by more than 260 million people from the world over.

Greenbelt Park is one of the last truly development-free plots of land left in the Washington Metropolitan Area. This park serves to remind Marylanders of the importance of our environment and our resources.

Mr. Speaker, in addition, I was very proud to have the home of Thomas Stone, an original signer of the Declaration of Independence, located in Charles County designated as a national historic site in 1993.

If we would have lost that historical plot of land, we would almost never have the opportunity to get it back again. All three of these parks, which benefit not only the citizens of the Fifth Congressional District, but also all Americans, would be eligible for closure under this legislation.

However, this House ought not be fooled about the intent of this bill. Members on the other side insist that a park-closure commission is necessary to prioritize for the National Park Service.

What we are in essence telling the Park Service is that you do not know how to do your job—that after years of management and oversight we are now going to go over your heads and let a politically appointed commission decide what to keep open and what to close.

We just create another level of bureaucracy at a time when people are claiming to reduce bureaucracy.

Mr. Speaker, what we need is financial management reform, and enhancement of resource protection efforts. This will enable us to deal with needed Park Service reform without selling off our Nation's most valuable lands and resources.

I urge my colleagues to oppose this shortsighted and very damaging bill so that we can consider commonsense reform that will also protect our Nation's most prized lands.

H.R. 2181, a bipartisan bill sponsored by Representatives RICHARDSON, BOEHLERT, and MORELLA does just that while not abandoning our efforts to preserve our Nation's history and beauty.

Mr. GEJDENSON. Mr. Speaker, I rise today in strong opposition to bringing HR 260 to the floor under Suspension of the Rules. This procedure should be reserved for non-controversial legislation which has widespread bi-partisan support. I do not believe that HR 260 fits this description. By placing this measure on the Suspension Calendar, the majority is denying Members the ability to offer amendments to this potentially far-reaching bill. By closing off debate, Members on both sides of the aisle will be denied the opportunity to vote on an alternative which the gentleman from New Mexico, Mr. RICHARDSON, my colleagues from New York, Mr. HINCHEY and Mr. BOEHLERT, and I have introduced. Members of this body should have the opportunity to vote on our alternative which will improve management of the Park System without creating a special commission to close our parks. If Members want to keep our parks open, especially smaller and urban parks, then they should vote against HR 260.

Mr. Speaker, I believe that HR 260 is designed to close some of our parks, national monuments, urban recreation areas and historic sites. This bill establishes a BRAC-style commission charged with developing a list of park units which should be removed from Federal management and ownership. Make no mistake about it, this bill would not create a special commission unless it had closure in mind. I do not support closing any of our parks and I do not believe the American people support such action. Contrary to what the advocates of HR 260 will argue, we have not created parks ''willy nilly.'' I believe that each unit of the Park System is nationally significant and represents an important part of our history, culture and heritage. We have set aside spectacular natural treasures, homes of Presidents and recreation areas for the benefit of future generations. The Federal Government has a responsibility to protect these resources, interpret and communicate their significance, and make them available to every American. I do not believe any other entity can adequately safeguard these assets while making them widely available to every citizen.

I am also concerned that HR 260 is merely one in a long line of proposals put forth by some of our Republican colleagues to transfer large tracts of Federal land to States or private interests. For example, legislation have been introduced to transfer more than 260 million acres of Federal land under the jurisdiction of the Bureau of Land Management (BLM) to a handful of western States. With the enactment of the Federal Land Policy and Management Act, the Congress and the American people made a commitment to preserve Federal ownership of public lands. These lands contain billions of dollars worth of minerals, timber and other natural resources and provide hundreds of millions of Americans with recreational opportunities. These proposals will benefit narrow special interests at the expense of the vast majority of the American people.

The bill that Mr. RICHARDSON has developed will improve management of our National Park System, generate important revenue to assist the National Park Service [NPS] in addressing a multibillion dollar maintenance backlog, and

ensure that our national treasures are protected for generations to come. It requires the Service to develop a master plan for the system which includes an inventory of existing resources and prioritizes which cultural, natural, and historical resources should be added to the system. It streamlines the process of designating new units by requiring the Service to annually provide the Congress with a list of areas to be studied and those areas of sufficient national significance to warrant inclusion in the system. Finally, our bill requires Congress to authorize studies and designate new park units to ensure that this body retains final authority to determine the scope of the system.

Our bill will also reform out-dated parks concession policy. The current framework was put in place when our parks were remote, visitorship was low and companies had to be enticed to offer visitor services. Today, more than 270 million people visit our parks yearly, easy access is provided via highways and airports, and operating a business in our parks is extremely lucrative. While business is great for concessioners, the American people have failed to receive a fair return for the privilege of operating in their national parks. In 1994, while concessioners earned more than $640 million from park operations, the American people received only $19 million in franchise fees, or about 3 percent of gross receipts. To make matters worse, there is no competition in the awarding of concession contracts and companies receive possessory interest in structures in the public's parks. Possessory interest forces the American people to pay concessioners for the privilege of doing business in their parks. Moveover, possessory interest is not enjoyed by concessioners in sports stadiums or airports.

Our bill contains the text of legislation passed by the House in the 103d Congress which would completely overhaul concession policy. It requires contracts to be awarded on a competitive basis and provide a fair return to the American taxpayers. It eliminates possessory interest and allocates franchise fees to our parks to support a wide range of activities. At the same time, it protects the interests of river guides, outfitters, and other small businesses who provide specialized services and are overwhelmingly family-run operations. These provisions will ensure that the American people continue to receive high-quality services and begin to enjoy a fair return on the use of their resources.

Finally, this legislation will also generate additional revenue to support park operations by authorizing moderate fee increases at parks which are currently authorized to charge fees. By allowing fees to increase slightly at certain park units, we can generate badly needed revenue to improve park roads and trails and to safeguard increasingly threatened natural resources. It is estimated that this measure will generate $30 million in revenue to maintain our parks. Importantly, these fees will go into a special fund in the Treasury which will be directly available to the Secretary of Interior for park-related purposes. This provision guarantees that fees paid by visitors will go to the parks and not be used to offset the deficit or to fund other programs. The American people are willing to pay a little more as long as they know that their entrance fees will be reinvested in the parks.

Mr. Speaker, by bringing H.R. 260 to the floor under Suspension of the Rules, the Republican leadership is denying Members on both sides of the aisle the opportunity to vote for a reasonable alternative. Once again, we see that talk about openness and giving Members of this body the opportunity to work their will is hollow. As a result, the American people are going to see their parks close or be sold to the highest bidder. These treasures are too important to be a pawn in a game of legislative chess. I urge my colleagues to vote against H.R. 260.

Mrs. MORELLA. Mr. Speaker, it is with both surprise and concern that a piece of legislation as far reaching, complex, and, yes, controversial, would be offered on the Suspension Calendar. This bill, H.R. 260, passed through the Resources Committee by a 34 to 8 vote which does, superficially, indicate there may be the ⅔ support that is necessary for a suspension bill to pass. However, there are serious dissenting views that should be considered and debated by Members of Congress.

In addition, another bill was introduced by beginning of August by the Ranking Member of the Subcommittee on National Parks, Forests and Lands, Representative BILL RICHARDSON, that has bipartisan support. Two Republicans, Mr. BOEHLERT and myself, and two Democrats are original cosponsors. I feel very strongly that Members should be allowed to consider this thoughtful and comprehensive substitute bill, H.R. 2181, inasmuch as H.R. 260 is not the only choice we have to manage effective reform of our National Park System.

H.R. 2181 was introduced primarily in response to the more contentious sections of H.R. 260, including Section 103, National Park System Review Commission, which includes the establishment of what has been characterized as a Park Closing Commission. This section is very troublesome to me because I believe that it is unnecessary—a system already exists to close any park that does not meet specified standards. And it is overly threatening to the smaller, less glamorous parks in our system that lack a voice of advocacy, but represent an idea, a culture, or an area that is significant to our national heritage. I have two parks in my district that could come under this classification: Glen Echo Park and the C & O Canal Historical Park. I suspect that almost every Member of Congress has similar unheralded park in their district.

Therefore, Mr. Speaker, I believe that we are entitled to a full discussion of H.R. 260 on the floor of the House.

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah [Mr. HANSEN] that the House suspend the rules and pass the bill, H.R. 260, as amended.

The question was taken.

Mr. RICHARDSON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

PROVIDING FOR THE ADMINISTRATION OF CERTAIN PRESIDIO PROPERTIES

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1296), to provide for the administration of certain Presidio properties at minimal cost to the Federal taxpayer, as amended.

The Clerk read as follows:

H.R. 1296

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress finds that—

(1) the Presidio, located amidst the incomparable scenic splendor of the Golden Gate, is one of America's great natural and historic sites;

(2) the Presidio is the oldest continuously operated military post in the Nation dating from 1776, and was designated a National Historic Landmark in 1962;

(3) preservation of the cultural and historic integrity of the Presidio for public use recognizes its significant role in the history of the United States;

(4) the Presidio, in its entirety, is located within the boundary of the Golden Gate National Recreation Area, in accordance with Public Law 92–589;

(5) the Presidio's significant natural, historic, scenic, cultural, and recreational resources must be managed in a manner which is consistent with sound principles of land use planning and management, and which protects the Presidio from development and uses which would destroy the scenic beauty and historic and natural character of the area; and

(6) the Presidio can best be managed through an innovative public/private partnership that minimizes cost to the United States Treasury and makes efficient use of private sector resources that could be utilized in the public interest.

SEC. 2. AUTHORITY AND RESPONSIBILITY OF THE SECRETARY OF THE INTERIOR.

(a) INTERIM AUTHORITY.—The Secretary of the Interior (hereinafter in this Act referred to as the ''Secretary'') is authorized to manage leases in existence on the date of this Act for properties under the Administrative jurisdiction of the Secretary and located at the Presidio. Upon the expiration of any such lease, the Secretary may extend the lease for a period terminating 6 months after the first meeting of the Presidio Trust at which a quorum is present. After the date of the enactment of this Act, the Secretary may not enter into any new leases for property at the Presidio to be transferred to the Presidio Trust under this Act. Notwithstanding section 1341 of title 31 of the United States Code, the proceeds from any such lease shall be retained by the Secretary and such proceeds shall be available, without further appropriation, for the preservation, restoration, operation and maintenance, improvement, repair and related expenses incurred with respect to Presidio properties. For purposes of any such lease, the Secretary may adjust the rental by taking into account any amounts to be expended by the lessee for preservation, maintenance, restoration, improvement, repair and related expenses with respect to properties within the Presidio.

(b) PUBLIC INFORMATION AND INTERPRETATION.—The Secretary shall be responsible, in cooperation with the Presidio Trust, for providing public interpretative services, visitor orientation and educational programs on all lands within the Presidio.

(c) OTHER.—Those lands and facilities within the Presidio that are not transferred to the administrative jurisdiction of the Presidio Trust shall continue to be managed by the Secretary. The Secretary and the Presidio Trust shall cooperate to ensure adequate public access to all portions of the Presidio.

(d) PARK SERVICE EMPLOYEES.—*Notwithstanding any other provision of law, the Trust shall have sole discretion over whether to employ persons previously employed by the National Park Service in the Department of the Interior. Career employees of the National Park Service, employed at the Presidio as of the time of the transfer of lands and facilities to the Presidio Trust, shall not be separated from the Service by reason of such transfer.*

SEC. 3. THE PRESIDIO TRUST.

(a) ESTABLISHMENT.—There is established a wholly owned government corporation to be known as the Presidio Trust (hereinafter in this Act referred to as the ''Trust'').

(b) TRANSFER.—(1) Within 60 days after receipt of a request from the Trust for the transfer of any parcel within the area depicted as area B on the map entitled ''Presidio Trust Number 1,'' dated June 1995, the Secretary shall transfer such parcel to the administrative jurisdiction of the Trust. Within one year after the first meeting of the Board of Directors of the Trust at which a quorum is present, the Board shall request the Secretary to transfer any remaining parcels within such area B. Such map shall be on file and available for public inspection in the offices of the Trust and in the offices of the National Park Service, Department of the Interior. The Trust and the Secretary may jointly make technical and clerical revisions in the boundary depicted on such map. Such areas shall remain within the boundary of the Golden Gate National Recreation Area. The Secretary shall retain those portions of the building identified as number 103 as the Secretary deems essential for use as a visitor center. The building shall be named the ''William Penn Mott Visitor Center''. With the consent of the Secretary, the Trust may at any time transfer to the administrative jurisdiction of the Secretary any other properties within the Presidio which are surplus to the needs of the Trust and which serve essential purposes of the Golden Gate National Recreation Area. The Trust is encouraged to transfer to the administrative jurisdiction of the Secretary open space areas which have a high public use potential and are contiguous to other lands administered by the Secretary.

(2) The Secretary shall transfer, with the transfer of administrative jurisdiction over any property, all leases, concessions, licenses, permits, and other agreements relating to such property. Upon the transfer of such property the Secretary shall transfer the unobligated balance of all funds appropriated to the Secretary for the operation of the Presidio, together with any revenues and unobligated funds associated with leases, concessions, licenses, permits, and agreements relating to properties transferred to the Trust.

(c) BOARD OF DIRECTORS.—

(1) IN GENERAL.—The powers and management of the Trust shall be vested in a Board of Directors (hereinafter referred to as the ''Board'') consisting of the following 7 members:

(A) The Secretary of the Interior or the Secretary's designee.

(B) Six individuals, who are not employees of the Federal Government, appointed by the President, who shall possess extensive knowledge and experience in one or more of the fields of city planning, finance, real estate, and resource conservation. At least 3 of these individuals shall reside in the city and county of San Francisco. The President shall make the appointments referred to in this subparagraph within 90 days after the enactment of this Act.

(2) TERMS.—Members of the Board appointed under paragraph (1)(B) shall each serve for a term of 4 years, except that of the members first appointed, 3 shall serve for a term of 2 years. Any vacancy in the Board shall be filled in the same manner in which the original appointment was made, and any member appointed to fill a vacancy shall serve for the remainder of the term for which his or her predecessor was appointed. No appointed director may serve more than 8 years in consecutive terms. No member of the Board of Directors may have a development or financial interest in any tenant or property of the Presidio.

(3) QUORUM.—Four members of the Board shall constitute a quorum for the conduct of business by the Board.

(4) ORGANIZATION AND COMPENSATION.—The Board shall organize itself in such a manner as it deems most appropriate to effectively carry out the authorized activities of the Trust. Board members shall serve without pay, but may be reimbursed for the actual and necessary travel and subsistence expenses incurred by them in the performance of the duties of the Trust.

(5) LIABILITY OF DIRECTORS.—Members of the Board of Directors shall not be considered Federal employees by virtue of their membership on the Board, except for purposes of the Federal Tort Claims Act and the Ethics in Government Act.

(6) PUBLIC LIAISON.—The Board shall meet at least 3 times per year in San Francisco and at least one meeting shall be open to the public. The Board shall establish procedures for providing public information and opportunities for public comment regarding policy, planning, and design issues through the Golden Gate National Recreation Area Advisory Commission.

(d) DUTIES AND AUTHORITIES.—In accordance with the purposes set forth in this Act and in section 1 of the Act entitled ''An Act to establish the Golden Gate National Recreation Area in the State of California, and for other purposes'', approved October 27, 1972 (Public Law 92–589; 86 Stat. 1299; 16 U.S.C. 460bb), and in accordance with the general objectives of the general management plan approved for the Presidio, the Trust shall manage the leasing, maintenance, rehabilitation, repair and improvement of property within the Presidio which is under its administrative jurisdiction. The Trust may participate in the development of programs and activities at the properties that have been transferred to the Trust. In exercising its powers and duties, the Trust shall have the following authorities:

(1) The Trust is authorized to manage, lease, maintain, rehabilitate and improve, either directly or by agreement, those properties within the Presidio which are transferred to the Trust by the Secretary.

(2)(A) The Trust is authorized to negotiate and enter into such agreements, leases, contracts and other arrangements with any person, firm, association, organization, corporation or governmental entity, including without limitation entities of Federal, State and local governments (except any agreement to convey fee title to any property located at the Presidio) as are necessary and appropriate to finance and carry out its authorized activities. Agreements under this paragraph may be entered into without regard to section 321 of the Act of June 30, 1932 (40 U.S.C. 303b).

(B) Except as provided in subparagraphs (C), (D), and (E), Federal laws and regulations governing procurement by Federal agencies shall apply to the Trust.

(C) In exercising authority under section 303(g) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(g)) relating to simplified purchase procedures, the Trust is authorized, to use as the dollar limit of each purchase or contract under this subsection an amount which does not exceed $500,000.

(D) In carrying out the requirement of section 18 of the Office of Federal Procurement Policy Act (41 U.S.C 416), the Trust is authorized to furnish the Secretary of Commerce for publication notices of proposed procurement actions, to use as the applicable dollar threshold for each expected procurement an amount which does not exceed $1,000,000.

(E) The Trust shall establish procedures for lease agreements and other agreements for use and occupancy of Presidio facilities, including a requirement that in entering into such agreements the Trust shall obtain reasonable competition.

(F) The Trust shall develop a comprehensive program for management of those lands and facilities within the Presidio which are transferred to the Trust. Such program shall be designed to reduce costs to the maximum extent possible. In carrying out this program, the Trust shall be treated as a successor in interest to the National Park Service with respect to compliance with the National Environmental Policy Act and other environmental compliance statutes. Such program shall consist of—

(i) demolition of all structures which cannot be cost-effectively rehabilitated and are not of the highest degree of historical significance,

(ii) new construction which would be limited to replacement of existing structures of similar size in existing areas of development, and

(iii) examination of a full range of reasonable options for carrying out routine administrative and facility management programs. The Trust shall consult with the Secretary in the preparation of this program.

(3) The Trust is authorized to appoint and fix the compensation and duties of an executive director and such other officers and employees as it deems necessary without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may pay them without regard to the provisions of chapter 51, and subchapter III of chapter 53, title 5, United States Code (relating to classification and General Schedule pay rates).

(4) To augment or encourage the use of non-Federal funds to finance capital improvements on Presidio properties transferred to its jurisdiction, the Trust, in addition to its other authorities, shall have the following authorities:

(A) The authority to guarantee any lender against loss of principal or interest on any loan, provided that (i) the terms of the guarantee are approved by the Secretary of the Treasury, (ii) adequate guarantee authority is provided in appropriations Acts, and (iii) such guarantees are structured so as to minimize potential cost to the Federal Government. No loan guarantee under this Act shall cover more than 75 percent of the unpaid balance of the loan. The Secretary of the Treasury shall collect a commercially reasonable guarantee fee in connection with each loan guaranteed under this Act. The authority to enter into any such loan guarantee agreement shall expire at the end of 12 years after the date of enactment of this Act.

(B) The authority, subject to available appropriations, to make loans to the occupants of property managed by the Trust for the

preservation, restoration, maintenance, or repair of such property.

(C) The authority to issue obligations to the Secretary of the Treasury, but only if the Secretary of the Treasury agrees to purchase such obligations after determining that the projects to be funded from the proceeds thereof are credit worthy and that a repayment schedule is established. The Secretary of the Treasury is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under chapter 31 of title 31, United States Code, and the purposes for which securities may be issued under such chapter are extended to include any purchase of such notes or obligations acquired by the Secretary of the Treasury under this subsection. The aggregate amount of obligations issued under this subparagraph which are outstanding at any one time may not exceed $50,000,000. Obligations issued under this subparagraph shall be in such forms and denominations, bearing such maturities, and subject to such terms and conditions, as may be prescribed by the Secretary of the Treasury, and shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities. No funds appropriated to the Trust may be used for repayment of principal or interest on, or redemption of, obligations issued under this paragraph. All obligations purchased under authority of this subparagraph must be authorized in advance in appropriations Acts.

(D) The Trust shall be deemed to be a public agency for the purpose of entering into joint exercise of powers agreements pursuant to California government code section 6500 and following.

(5) The Trust may solicit and accept donations of funds, property, supplies, or services from individuals, foundations, corporations, and other private or public entities for the purpose of carrying out its duties. The Trust shall maintain philanthropic liaison with the Golden Gate National Park Association, the fund raising association for the Golden Gate National Recreation Area.

(6) Notwithstanding section 1341 of title 31 of the United States Code, all proceeds received by the Trust shall be retained by the Trust, and such proceeds shall be available, without further appropriation, for the preservation, restoration, operation and maintenance, improvement, repair and related expenses incurred with respect to Presidio properties under its jurisdiction. Upon the request of the Trust, the Secretary of the Treasury shall invest excess moneys of the Trust in public debt securities with maturities suitable to the needs of the Trust.

(7) The Trust may sue and be sued in its own name to the same extent as the Federal Government. Litigation arising out of the activities of the Trust shall be conducted by the Attorney General, as needed; except that the Trust may retain private attorneys to provide advice and counsel, and to represent the Trust in proceedings to enforce and defend the contractual obligations of the Trust.

(8) The Trust shall have all necessary and proper powers for the exercise of the authorities invested in it.

(9) For the purpose of compliance with applicable laws and regulations concerning properties transferred to the Trust by the Secretary, the Trust shall negotiate directly with regulatory authorities.

(e) INSURANCE.—The Trust shall procure insurance against any loss in connection with the properties managed by it or its authorized activities as is reasonable and customary.

(f) BUILDING CODE COMPLIANCE.—The Trust shall bring all properties under its jurisdiction into compliance with Federal building codes and regulations appropriate to use and occupancy within 10 years after the enactment of this Act.

(g) TAXES.—The Trust shall be exempt from all taxes and special assessments of every kind in the State of California, and its political subdivisions, including the city and county of San Francisco.

(h) FINANCIAL INFORMATION AND REPORT.—(1) The Trust shall be treated as a wholly owned Government corporation subject to chapter 91 of title 31, United States Code (commonly referred to as the Government Corporation Control Act). Financial statements of the Trust shall be audited annually in accordance with section 9105 of title 31 of the United States Code.

(2) At the end of each calendar year, the Trust shall submit to the Congress a comprehensive and detailed report of its operations, activities, and accomplishments for the prior fiscal year. The report also shall include a section that describes in general terms the Trust's goals for the current fiscal year.

(i) SAVINGS CLAUSE.—Nothing in this section shall preclude the Secretary from exercising any of the Secretary's lawful powers within the Presidio.

(j) LEASING.—In managing and leasing the properties transferred to it, the Trust should consider the extent to which prospective tenants maximize the contribution to the implementation of the General Management Plan for the Presidio and to the generation of revenues to offset costs of the Presidio. The Trust shall give priority to the following categories of tenants: tenants that enhance the financial viability of the Presidio thereby contributing to the preservation of the scenic beauty and natural character of the area; tenants that facilitate the cost-effective preservation of historic buildings through their reuse of such buildings, or tenants that promote through their activities the general programmatic content of the plan.

(k) REVERSION.—If the Trust reasonably determines by a two-thirds vote of its Board of Directors that it has materially failed to, or cannot, carry out the provisions of this Act, all lands and facilities administered by the Trust shall revert to the Secretary of Defense to be disposed of in accordance with section 2905(b) of the Defense Authorization Act of 1990 (104 Stat. 1809), except that—

(1) the terms and conditions of all agreements and loans regarding such lands and facilities entered into by the Trust shall be binding on any successor in interest; and

(2) the city of San Francisco shall have the first right of refusal to accept all lands and facilities formerly administered by the Trust.

(l) LIMITATIONS ON FUNDING.—(1) From amounts made available to the Secretary for the operation of areas within the Golden Gate National Recreation Area, not more than $25,000,000 shall be available to carry out this Act in each fiscal year after the enactment of this Act until the plan is submitted under paragraph (2). Such sums shall remain available until expended.

(2) Within one year after establishment of the Trust, the Trust shall submit to Congress a plan which includes a schedule of annual decreasing Federally appropriated funding such as will achieve total self-sufficiency for the Trust within 12 complete fiscal years after establishment of the Trust. That plan shall provide for annual reductions in Federally appropriated funding such that the Trust will be 80 percent self-sufficient at the end of 7 complete fiscal years after establishment. The plan shall provide for elimination of all Federally appropriated funding for public safety and fire protection purposes on lands or facilities administered by the Trust at the end of 5 complete fiscal years after establishment of the Trust. For each of the 11 fiscal years after fiscal year 1997, there are authorized to be appropriated to the Trust not more than the amounts specified in such plan. Such sums shall remain available until expended.

(m) GAO AUDIT.—Ten years after the date of establishment of the Trust, the General Accounting Office shall conduct a complete audit of the activities of the Trust and shall report the results of that audit to the appropriate congressional committees. The General Accounting Office shall include in that audit an analysis of the ability of the Trust to initiate payments to the Treasury.

(n) SEPARABILITY OF PROVISIONS.—If any provisions of this Act or the application thereof to any body, agency, situation, or circumstance is held invalid, the remainder of the Act and the application of such provision to other bodies, agencies, situations, or circumstances shall not be affected thereby.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah [Mr. HANSEN] will be recognized for 20 minutes, and the gentleman from New Mexico [Mr. RICHARDSON] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

(Mr. HANSEN asked and was given permission to revise and extend his remarks.)

Mr. HANSEN. Mr. Speaker, I rise in strong support of H.R. 1296, bipartisan legislation introduced by the gentlewoman from San Francisco, which addresses what to do with the Presidio of San Francisco. Mr. Speaker, because of a single sentence in a 23-year-old piece of legislation, the Presidio has the potential to become the most expensive area in the National Park System. I believe that the framework outlined in this legislation for future management of the Presidio embodies the type of innovative thinking and reduced dependence on the Federal Government which voters sought last November, and I commend Ms. PELOSI for leading the way with her legislation.

In 1989, the Department of the Army, through the base closure process, determined that the Presidio was surplus to their needs. The 1972 Act establishing Golden Gate National Recreation Area called for the administrative jurisdiction of the Presidio to be transferred to the National Park Service, if it was ever determined to be surplus to the needs of the Department of the Army. Thus began a lengthy, multimillion dollar planning effort by the NPS to determine the future of the area.

To their credit, from the outset the NPS recognized that the 6 million square feet of building space at the Presidio was far more space than the NPS could use. With hospitals, warehousing, 1500 housing units, fast food outlets, bowling alleys, churches, gymnasiums, as well as over 500 historic buildings, it was an area unlike

any ever managed by the NPS. Unfortunately, the NPS plan failed to examine all the reasonable alternatives for the Presidio.

After spending nearly 4 years and over $1 million, the NPS came up with a plan estimated to cost nearly $700 million in one-time capital expenditures and $40 million in annual operating costs for the foreseeable future to implement. It was a plan with lots of pretty pictures and interesting ideas about a world center for social, cultural, and environmental awareness; but it was a plan with no basis in reality. In fact, the plan was so unrealistically dependent on Federal funding, that if allowed to go forward it appeared likely that the resources of the Presidio would be in great jeopardy. The media is already reporting how the Presidio has fallen into disrepair in the 11 months since the National Park Service took over the area and began implementation of their plan.

Under the National Park Service plan, the cost to operate the 1,400 acres of Golden Gate National Recreation Area within the Presidio was going to be more than twice as much as the most expensive park in the park system; Yellowstone National Park which costs about $20 million per year to operate its 2.3 million acres.

While the Presidio is a beautiful location, and certainly one of the most outstanding urban settings in the country, if not in the world, it is not the type of area which should be managed by the National Park Service. Based on considerable review of the situation over the last several years, the committee has come to the conclusion that the most effective way to reduce costs at the Presidio, and ultimately to save it, is to turn management of large portions of it over to those with expertise in management of such properties.

Therefore, this legislation establishes the nonprofit Presidio Trust to take over management of about 80 percent of the Presidio, consisting of most of the built environment. Under the proposal before us today, the National Park Service would retain responsibility for management of the undeveloped open space areas and primary recreational use activities, as well as key historic structures, such as Fort Point. This is not a new idea. In fact, in reviewing the legislative history of the 1972 act, that is precisely the role which was envisioned for the National Park Service by the author of the law.

Under terms of the bill, Federal funding for portions of the Presidio transferred to the Presidio Trust would be phased out after 12 years. This represents a savings of hundreds of millions of dollars compared to the plan developed by the National Park Service.

It has not been easy to convince those who still believe that the Federal Government has all the answers and unlimited funds that such a solution is the best one for the Presidio. In fact, some remain unconvinced. For this reason, I appreciate even more the efforts of Ms. PELOSI to work to resolve my concerns and those of others on this bill. I urge my colleagues to join me in supporting this important bill and look forward to swift action on this bill in the Senate.

□ 1715

Mr. Speaker, I reserve the balance of my time.

Mr. RICHARDSON. Mr. Speaker, I yield myself such time as I may consume.

(Mr. RICHARDSON asked and was given permission to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, H.R. 1296, as reported from the committee, represents what we hope is a workable compromise regarding the management of the Presidio. This important measure was originally introduced by my good friend and colleague, NANCY PELOSI. The gentlewoman is to be commended for her hard work and dedication in addressing the issues facing the management of the Presidio. Representative PELOSI has worked tirelessly to protect her constituents' interests and the national interests at the Presidio. I commend her for seeking to protect the nationally significant resources of the Presidio while being mindful of budgetary restraints.

The Presidio contains a combination of natural, historical, and recreational resources which are both significant and unique. There should be no question about the high degree of national significance of the Presidio, nor about our obligation to preserve and interpret these resources for present and future generations.

The real question facing the Congress is how do we succeed in preserving the precious national assets of the Presidio in a manner which is sensitive to the budgetary restraints of the Federal Government. Already the Presidio is being operated at a significant cost savings when compared to its previous operation as a military post. Representative PELOSI's legislation is an innovative solution for operating the Presidio in the most cost-effective manner. This is a bipartisan effort that has not only had the active support of the administration, but also of the Governor, the mayor, and the San Francisco community, particularly the business community.

Clearly, Mr. Speaker, the amendment in the nature of a substitute that was agreed to in the committee is a compromise document. It is something that, nevertheless, preserves a great part of our American heritage while reducing the cost to the Federal Government. I am concerned though, that the amendment sets unrealistic deadlines for achieving financial self-sufficiency. However, I recognize that we all had to compromise in order to reach agreement and I want to thank Mr. HANSEN for all his work on this matter.

Mr. Speaker, we need to move ahead with H.R. 1296. This legislation is the only viable solution to dealing with the Presidio. As much as some may like the idea, sale, or transfer will not work. Those options would involve a cumbersome and costly 10–15 year process with no assurance of success in the end.

I support H.R. 1296, as amended, and would urge its adoption by the House.

Mr. Speaker, I yield 5 minutes to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Speaker, I thank the gentleman from New Mexico [Mr. RICHARDSON] for yielding this time to me, and for his cooperation in bringing this legislation to the floor, and his kind words about this bill. I am pleased to join my colleagues, the gentleman from Alaska [Mr. YOUNG] the gentleman from Utah [Mr. HANSEN], and the ranking member, the gentleman from California [Mr. MILLER], in bringing H.R. 1296 before the House today. As chairman of the subcommittee, the gentleman from Utah [Mr. HANSEN] has worked tirelessly providing the leadership and the framework for the legislation before us today to reduce Federal exposure at the Presidio while preserving the Presidio in the public domain. Chairman HANSEN has been firm in his intent to reduce costs, steadfast in his pursuit of a compromise, and determined in his bipartisan approach. I am grateful to him for his efforts on behalf of the Presidio. The ranking member, the gentleman from California [Mr. MILLER], has been a defender of the Presidio for many years. As always, I am grateful for his leadership, advice, and support. Phil Burton, a former Member of this body, a leader here, would be proud of the gentleman from California's role in this effort. I also appreciate the cooperation of the gentleman from Alaska [Mr. YOUNG]. I want to thank the Members on the Republican side who believed in H.R. 1296 enough to cosponsor the legislation: the gentleman from New York [Mr. GILMAN], the gentleman from California [Mr. HORN], the gentleman from California [Mr. GALLEGLY], the gentleman from California [Mr. RADANOVICH], the gentleman from Nebraska [Mr. BEREUTER]; and on our side my colleague, the gentleman from San Francisco, CA [Mr. LANTOS]. I appreciate their confidence in the Presidio Trust legislation and their desire to see this bill passed by Congress today.

Before I go any further, Mr. Speaker, I also want to acknowledge the hard work and dedication of my staff person, my administrative assistant, Judy Lemons, who also worked on the Interior Committee, when it was called that, under Phillip Burton on the subcommittee. She was present at the birth of the Golden Gate National Recreation Area. When we celebrate the Presidio from post to park, it will be in large measure because of the hard work of Judy Lemons, and her work would not have been successful without the cooperation, advice, and counsel of Steve Hodag on the minority side, and

I want to publicly thank Steve. We have not always agreed on the approach to the Presidio, but, under the leadership of gentleman from Utah [Mr. HANSEN] and the framework for compromise that he established, I think we produced a great product that will reach our goals of reducing cost to the taxpayers while preserving this national treasure.

Before again I go any further, Mr. Speaker, I want to acknowledge with great gratitude the role that the U.S. Army has played in the Presidio. They have created the rich historic and environmental resource that it it today. They planted the trees, they preserved the history, they trained our soldiers, and they have left a great legacy to our Nation, and so it is in that spirit that we move this legislation to take the Presidio from post to park in a way that preserves the heritage that they invested in for so long.

Support for the Golden Gate National Recreation Area, of which the Presidio will be a part, has, as I mentioned, we have bipartisan supporters for this legislation, but bipartisan support for urban parks, the GGNRA, along with Gateway NRA in New York was championed by President Nixon, his belief that, quote, parks should be brought to the people, end of quote. There was strong bipartisan support in Congress for these urban national park initiatives when they were approved in 1972. At that time former Representative Phillip Burton authorized the legislation, authorized the creation of the Golden Gate National Recreation Area.

I will place my full statement in the RECORD, Mr. Speaker, but I just did want to say briefly that H.R. 1296 creates a Presidio Trust to implement the conversion from post to park. This bill was introduced on March 22, 1995. It represents a bipartisan, and I keep saying that word, effort to merge economic realities, as the gentleman from Utah [Mr. HANSEN] acknowledged, with park stewardship in order to maximize revenue potential and minimize the cost to American taxpayers. I believe the legislation achieves these twin goals in its plan for the first time actually to reduce Federal cost for our national park.

Concerns were raised last year, as the gentleman from Utah [Mr. HANSEN] mentioned, about the cost of operating the Presidio under the National Park Service. The majority and minority in this Congress have worked to address many of these concerns. That is why I am so proud that we have the support of the gentleman from Utah [Mr. HANSEN] in this legislation. The version of H.R. 1296 before us today actually is the Hansen substitute, reflects many areas of compromise which were intended to protect taxpayers as well as to preserve the unique qualities of the Presidio, as I have described. Mr. Speaker, it calls for self-sufficiency in a time certain.

Mr. Speaker, in the interests of time, as I say, I am going to place more of my statement in the RECORD, but I would like to state for the RECORD publicly that the Presidio Trust would comply with the National Historic Preservation Act, the National Environmental Policy Act, the National Historic Landmark Act, the GGNRA general management plan.

The SPEAKER pro tempore (Mr. FOLEY). The time of the gentlewoman from California [Ms. PELOSI] has expired.

Mr. HANSEN. Mr. Speaker, I yield 2 additional minutes to the gentlewoman from California.

Ms. PELOSI. Mr. Speaker, in addition to complying with all of these laws, H.R. 1296, Presidio Trust legislation, support covers a broad spectrum from environmental groups, community organizations, and historic preservation groups to national business leaders. The ranking member, the gentleman from New Mexico [Mr. RICHARDSON], mentioned some of these, and I will just briefly mention them and place in the RECORD leaders and lists from these organizations and lists of other organizations, a letter from the National Historic Trust for Preservation, the Sierra Club, the Presidio Task Force, People for the Golden Gate National Recreation Area, San Francisco Tomorrow, and a letter signed by some of the Nation's leading CEO's and business leaders strongly supporting the legislation. The list goes on and on. As the gentleman from New Mexico mentioned, the Governor of California, the mayor of San Francisco, and also the League of Women Voters. A complete list is included for the RECORD.

Mr. Speaker, in closing I would like to say the picture of the Presidio in the GGNRA, of which this is a part, would not be complete without mentioning the work of Amy Meier, who has been engaged in efforts to preserve the GGNRA and Presidio for almost 25 years. There are hundreds of others in our community who were involved in the 5-year planning process for the Presidio. Community leaders from the San Francisco Bay area have also devoted their considerable talent and time to participate in the community and in congressional hearings on behalf of the Presidio Trust. They are stalwarts beyond comparison, and I greatly appreciate their work.

In further closing, Mr. Speaker, I want to thank my many colleagues who have made a special effort to learn more about the Presidio and the concept of the trust. Many of the San Francisco Bay area community deserve praise for their constant support and effort on behalf of the Presidio and for future generations.

Mr. Speaker, I think that in passing this legislation we will not only set up a model for how we can go from post to park, a model for how we can fund national parks in the least exposure to the taxpayer, but also a model of bipartisan support in this Congress on how we can work together to achieve our goals, aside from once again urging our colleagues to support the Presidio legislation.

Mr. Speaker, I am pleased to join my colleagues, Chairman YOUNG, Chairman HANSEN, and ranking member GEORGE MILLER, in bring H.R. 1296 before the House today.

Mr. HANSEN and I have worked side by side over recent months to develop a bill that would reduce the Federal exposure at the Presidio while preserving the Presidio in the public domain. Chairman HANSEN has been firm in his intent to reduce costs, steadfast in his pursuit of a compromise and determined in his bipartisan approach. I am grateful to him for his efforts on behalf of the Presidio.

The ranking member, Mr. MILLER, has been a defender of the Presidio for many years. As always, I am grateful for his leadership, advice, and support. Phil Burton would be proud of his part in this effort. I also appreciate the cooperation of Chairman DON YOUNG.

I also want to thank the members who believe in H.R. 1296 and cosponsored the bill: Mr. GILMAN, Mr. HORN, Mr. GALLEGLY, Mr. RADANOVICH, Mr. BEREUTER, and Mr. LANTOS. I appreciate their confidence in the Presidio Trust and their desire to see this bill passed by Congress.

A RICH MILITARY HISTORY

Many of you are familiar with the Presidio, and many of you have visited or served in the military at the Presidio. It represents a harmony of history that spans a history as old as our democracy. Since 1776, the Presidio has served under the flags of three nations—Spain, Mexico, and the United States.

This rich military history is blended with a cultural landscape which includes the Ohlone Indians who lived in the area 5,000 years before the Spanish arrived, the Spanish who colonized California, the American pioneers who settled the West, followers of the gold rush, and immigrants from Asia and soldiers returning from war whose first sight of home was the Presidio.

The Presidio has played a role in every major American military conflict since the Mexican-American War. In 1898, thousands of troops camped in tent cities awaiting shipment to the Philippines. The returning wounded were treated in the Army's first permanent general hospital—now Letterman Hospital.

With the attack on Pearl Harbor, the United States entered World War II, and Presidio soldiers dug foxholes along nearby beaches. Almost 2 million soldiers embarked from the Presidio to fight in the Pacific. In the 1950's the Nike missile defense system was situated around the Golden Gate and the Presidio became the headquarters for the 6th Army. Troops from the Presidio have come to the aid of San Franciscans during two major earthquakes. The U.S. Army has been a good neighbor and we appreciate its important contribution to our community and service to our Nation.

AN ENVIRONMENTAL TREASURE

Speaking objectively, the Presidio's natural environment and its scenic panoramas are unsurpassed in the world. At the confluence of the Pacific Ocean and San Francisco Bay, the Presidio anchors the Golden Gate—a symbol to west coast immigrants much like the Statue of Liberty.

The Presidio's natural areas are a refuge to native plants and wildlife. Its urban forest of almost one-half million trees planted by the Army over 100 years ago is surrounded by

acres of sand dunes and coastal bluffs. It is the site of the world's only urban biosphere reserve designated by the United Nations. This natural backdrop provides recreational activities and opportunities for outdoor exploration to the Presidio's many visitors.

The Golden Gate National Recreation Area, of which the Presidio is a part, is the most visited national park in the system—with over 20 million annual visitors. Visitation to the Presidio is expected to double within the next few years to reach approximately 9 million people.

While this presents only a snapshot of the Presidio, I hope it gives you an image of the graceful contours—the historic, cultural, and natural elements—that embrace a special place.

FROM POST TO PARK

Through the initiative of former Representative Phillip Burton, Congress in 1972 authorized the creation of the Golden Gate National Recreation Area [GGNRA], a magnificent collection of park and historic sites surrounding San Francisco's Golden Gate—Public Law 92–589.

Creation of the GGNRA, along with Gateway NRA in New York, was championed by President Nixon in his belief that parks should be brought to the people. There was strong bipartisan support in Congress for these urban national park initiatives when they were approved in 1972.

The Presidio of San Francisco was included in the GGNRA authorization so that its lands would also be incorporated into the GGNRA when no longer required by the Department of Defense [DOD]. The language in Public Law 92–589 states: ''When all or any substantial portion of the remainder of the Presidio is determined by the Department of Defense to be in excess of its needs, such lands shall be transferred to the jurisdiction of the Secretary (of Interior) for the purposes of this Act.''

In 1988, the Presidio was included in the first round of base closures recommended by the Base Realignment and Closure Commission—BRAC I—Public Law 100–526. Subsequent to this recommendation, BRAC II recommended that the 6th Army Headquarters be retained at the Presidio on an interim basis and under a lease agreement with the National Park Service. An agreement was negotiated and later withdrawn by a DOD decision to permanently relocate the 6th Army Headquarters elsewhere.

In the 5 years following this decision, hundreds of people from the local community participated in the planning sessions to develop the general management plan. In 1993, I introduced H.R. 3433 to create a new management entity, a trust, to lease Presidio properties in cooperation with the National Park Service. The concept of a trust was included in the National Park Service Presidio General Management Plan [GMP] and, hearings were conducted by the House Subcommittee on National Parks on May 10, 1994, and H.R. 3433 was passed by the House on August 18, 1994, by a vote of 245 to 168.

H.R. 3433 was approved unanimously—20 to 0—by the Senate Committee on Energy and Natural Resources on September 21, 1994. The Senate failed to complete action on H.R. 3433 in the final days of the 103d Congress. On September 30, 1994, the Presidio officially became part of the GGNRA.

WHERE WE ARE TODAY

H.R. 1296, to create a Presidio trust, was introduced on March 22, 1995, represents a bipartisan effort to merge economic reality with park stewardship in order to maximize revenue potential and minimize the cost to American taxpayers. I believe the legislation achieves these twin goals in its plan to, for the first time, actually reduce Federal costs for a national park.

Concerns were raised last year about the cost of operating the Presidio under the National Park Service. The majority and minority in this Congress have worked to address many of these concerns. The version of H.R. 1296 before you today reflects many areas of compromise which are intended to protect taxpayers as well as to preserve the unique qualities of the Presidio that I have described. Again, I would like to emphasize the importance of providing a workable period of time in which the Presidio trust could demonstrate its success. The Pennsylvania Avenue Development Corporation [PADC] engaged in a similar rehabilitation project to restore the Avenue of the Presidents here in our nation's capital. It took over 20 years to accomplish the restoration, but it is done and it is a success. Chairman HANSEN has been very supportive in his efforts to develop a framework for success. I hope these efforts will be continued as the Senate considers H.R. 1296 so that cost reduction remains a primary goal, but also so that we create a model equipped with a time frame sufficient to meet the challenge before us.

SUPPORTERS OF H.R. 1296

The support for H.R. 1296 covers a broad spectrum—from environmental groups, community organizations, and historic preservation groups to national business leaders.

A letter from the National Trust for Historic Preservation states: ''The Presidio is one of this country's most significant military sites, and its cultural, historic and natural resources are extraordinary . . . The Presidio needs the catalyst and well-managed oversight that only a management vehicle such as the Presidio Trust can provide.''

A letter from the Sierra Club Presidio Task Force states: ''H.R. 1296 will enable the Presidio to be a sustainable national park unit, managed for the benefit of ours and future generations. That is good park policy, good fiscal policy and good governmental policy.''

A letter from people for a GGNRA states: ''Our nation deserves to have the Golden Gate, the western entrance to the United States, honored with a park that preserves its splendor and its history. All the efforts of the private sector are needed to make that preservation a success.''

A letter from San Francisco Tomorrow states: ''In order to preserve the historic and scenic Presidio for all people for all time, San Francisco Tomorrow endorses the Presidio Trust to enable the Presidio National Park to pay its own way with minimal dependence on public funds.''

A letter cosigned by some of the Nation's leading CEO's and business leaders states: ''We strongly support legislation currently before your committee that would bring efficient, business-like management and cost-effective financing to the Presidio, a National Historic Landmark and National Park at California's scenic Golden Gate.''

The list goes on to include many more supporters—the League of Women Voters, the Governor of California, the mayor of San Francisco; a complete list of neighborhood organizations and other groups is included for the RECORD.

This picture of the Presidio and the GGNRA, of which it is a part, would be incomplete without mentioning the work of Amy Meyer who has been engaged in efforts to preserve the GGNRA and Presidio for almost 25 years. There are hundreds of others who were involved in the 5-year planning process for the Presidio. Community leaders from San Francisco have also devoted their considerable talents and time to participate in the community and in Congressional hearings on behalf of the Presido Trust. They are stalwarts beyond comparison and I greatly appreciate their hard work.

PRO BONO AND PHILANTHROPIC SUPPORT

The concept of a Presidio trust is based on the independent study of 19 management models which recommended this particular paradigm as workable at the Presidio. All of these studies emphasized the need for autonomy, flexibility, long-term leasing and private sector expertise. The Presidio trust concept was then embraced by the National Park Service in its Presidio general management plan. The Presidio has probably been the subject of more independent analyses than any base closure in the country. The list of private sector, pro bono consultants who have reviewed this project include Arthur Anderson & Co., McKinsey & Co., Keyser Marston Associates, Mancini-Mills, Morrison and Foerster and Curtis Feeny of the Stanford Management Co. They have consistently recommended the management structure outlined in H.R. 1296.

In addition to the efforts provided by these consultants, considerable pro bono services—amounting to almost $4 million—have been provided to the Presidio. This effort was begun by the Presidio council, comprised of prominent professionals from the fields of business, finance, education, environment, architecture and planning, government and philanthropy and chaired by James Harvey, chairman of TransAmerica. These national leaders organized in 1991 to provide planning assistance to the park service and to solicit contributions to the Presidio.

This philanthropic campaign is continuing under the leadership of the Golden Gate National Park Association [GGNPA] where over $15 million has been raised for the GGNRA since 1982 and another $10 million is expected to be raised for Presidio improvements to supplement the major philanthropic effort. A major requirement for philanthropic support is creation of a Presidio trust to manage the Presidio's properties.

CONFIRMATION OF MARKETABILITY

H.R. 1296 includes a deadline for total self sufficiency in 12 years. While I recognize the need for the trust to achieve self sufficiency over a given time period, I must add that the time frame outlined in H.R. 1296 is not supported by any of the independent studies that have been conducted on the Presidio's financial viability.

Because of the need to reduce costs and to demonstrate the intent to reduce costs in the legislation, advice was sought from a known real estate entity which faced a challenge

similar to the Presidio's. An independent analyst was engaged to review the park service figures and to determine the financial basis on which the legislation could stand.

After reviewing the Presidio's properties, the analysis confirmed the Presidio's marketability and revenue potential, and that revenues of between $15 to $25 million could be generated within a 12- to 15-year period. In testimony before the Senate, Curtis Feeny, vice president for real estate with the Stanford Management Co. stated: ''The key to meeting the financial challenge posed by the Presidio is to capture the value of the property in the form of capital that can then be used to improve and maintain the park. I believe the value of the Presidio's real estate, if used in combination with cost reduction measures, will enable the Presidio's built environment to pay its own way over time.''

H.R. 1296

The Presidio trust would provide for the long-term lease of buildings to rent-paying tenants. There are over 800 structures at the Presidio, comprising more than 6 million square feet of space, most of which possess revenue potential to sustain the Presidio's real estate and to realize a savings to the Federal Government. Over half of these structures are historic. Revenues from leases would be retained and used to offset costs at the Presidio, reducing the need for federal appropriations. Capital improvements would be financed primarily from private sources and tenant financing.

The trust would be governed by a board of seven members, including the Secretary of the Interior and members from the fields of property and financial management and resource conservation. Congress would have oversight of the trust with the requirement that an annual report and audit be conducted. At the end of 10 years,the General Accounting Office would conduct a comprehensive audit of the trust's financial activities. The Presidio trust would be subject to the provisions of the Government Corporation Control Act. The net effect of this financing structure would sustain the trust and reduce overall park operations and the need for federal appropriations.

A number of protections are provided in H.R. 1296 which would restrict development of the Presidio and ensure public participation. Under the legislation, public access and open space are preserved. The Golden Gate National Recreation Advisory Commission would continue its role as a conduit for public comment and information. At least one annual public board meeting in San Francisco would be required.

The trust would comply with the National Historic Act and the National Environmental Policy Act. There are no exemptions for its operations and nothing in this bill would affect the national historic landmark status of the Presidio. The trust must also act in accordance with the GGNRA's park purposes identified in the enabling legislation and the general objectives of the general management plan. I might add that it is unique in the legislative process to reference a general management plan at all and the inclusion of this language is considered extraordinary.

Limits on new construction are included in the leasing and management program to be developed jointly by the trust and the park service. No board member is to have any financial interest in the Presidio and all board members must comply with the requirements of the Ethics in Government Act and Federal financial disclosure policy. In short, Mr. Speaker, the laws that apply to the GGNRA also apply to the trust.

H.R. 1296 costs less than last year's bill because rehabilitation costs are transferred to tenants. Costs are further reduced through streamlined management, aggressive leasing, long-term leases, more demolition, broader tenancies and phased-in code compliance. Last year's cost estimates included both operations and capital improvements which resulted in a higher figure that many assumed was for operations only. Operations would be substantially reduced through creation of the Presidio trust and most capital costs would be borne by tenants.

The Presidio trust would manage the revenue-producing properties with the goal of self-sufficiency in a national park context and the National Park Service would operate the open-space areas of the Presidio. While the National Park Service has been a good steward of the Presidio, I believe a stronger effort is warranted on their part to recognize the fiscal reality that exists and to take immediate steps to reduce costs. In light of the progress on H.R. 1296 in Congress, I hope plans are underway to downscale operations, administrative costs and staff so that the trust will have the benefit of maximizing the federal investment in the Presidio. Park service costs can be cut and they should be—starting now.

A hearing on H.R. 1296 was conducted by the Subcommittee on National Parks, Forests and Lands on May 16, 1995, and the legislation was marked up by the subcommittee on June 27, 1995. The full Resources Committee reported H.R. 1296 on July 12, 1995, for floor consideration. In addition to this committee review of the legislation, many members of the Appropriations and Resources Committees in the House and Senate have visited the Presidio to review its progress.

Crafted in the context of our current fiscal and political landscape, H.R. 1296 is a reflection of cost consciousness, innovative thinking, bipartisan cooperation, and a strong appreciation for the natural and historic landscape with which we, as members of our Nation's highest representative body, have been temporarily entrusted.

Mr. Speaker, as a member of the Appropriations Committee, I understand quite well the difficulty that each of us faces in the current fiscal environment. We must reduce spending where we can and in such a way as to protect our people and our national heritage. Our charge is to be both cost conscious and innovative.

For nearly 150 years, the Federal Government has invested in the Presidio as an Army post; this investment should be protected. The best way to protect this asset is by creating a management and financial mechanism that will enable the Presidio to be used and to pay for itself.

H.R. 1296 is a good government approach that recognizes fiscal realities and offers a less costly, private-sector approach to management of our important federal assets at the Presidio. It provides a means to utilize valuable real estate assets to underwrite a broader public purpose.

In closing, Mr. Speaker, I want to thank my many colleagues who have made a special effort to learn more about the Presidio and the concept of the trust. Members of the San Francisco community also deserve great praise for their constant support and efforts on behalf of preserving the Presidio for future generations. Our actions today are in keeping with the leadership of Phillip Burton to preserve this great national treasure.

I further want to acknowledge the U.S. Army for creating the rich historic and environmental resource it is today. They planted the trees, preserved our history, trained our soldiers, and left a great legacy to our nation.

Thank you, Mr. Speaker, I urge my colleagues to support this cost-saving measure. Vote ''yes'' on H.R. 1296.

SUPPORT FOR PRESIDIO TRUST

BUSINESS LEADERS

AirTouch Communications.
Bank of America NT & SA.
Basic American, Inc.
Bay Area Council.
Bay Area Economic Forum.
The Gap, Inc.
The Glen Ellen Company.
Richard Goldman & Co.
Hellman and Friedman.
Hispanic Contractors Association.
International Wine Marketing Association.
Lane Publishing.
Leach Capital.
McKesson Corporation.
Pacific Gas and Electric Company.
Presidio Council.
San Francisco Chamber of Commerce.
San Francisco Hispanice Chamber of Commerce.
Scotch Plywood Co.
Swinerton & Walberg.
Texas Pacific Group.
Transamerica Corporation.

COMMUNITY AND CIVIC LEADERS

Governor Wilson, State of California.
State Assembly, California Legislature.
Mayor Jordan, City of San Francisco.
Board of Supervisors, City of San Francisco.
Bret Harte Terrace and Francisco Street Neighborhood Association.
Golden Gate National Park Association.
League of Women Voters of California.
League of Women Voters of San Francisco.
League of Women Voters of the United States.
Los Californianos.
Neighborhood Associations for Presidio Planning.
North Beach Neighbors.
People for a Golden Gate National Recreation Area.
Presidio Heights Association of Neighbors.
San Francisco Bay Area Interfaith Coalition.
San Francisco Planning and Urban Research Association.

OTHER ORGANIZATIONS

American Institute of Architects.
American Society of Landscape Architects.
Asian American Architects and Engineers.
Earth Island Institute.
Environmental Defense Fund Fort Mason Center.
Golden Gate National Recreation Area and Point Reyes National Seashore Advisory Commission.
Laborers' International Union of North America.
League of Conservation Voters.
National Park System Advisory Board.
National Parks and Conservation Association.
National Japanese American Historical Society.
Natural Resources Defense Council.
Sierra Club.

Travel Industry Association of America.
Trust for Public Land.
The Wilderness Society.
William Penn Mott, Jr Memorial Fund.

Mr. RICHARDSON. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Speaker, I thank the gentleman for yielding, and I really rise to thank the members of the committee who have worked so terribly hard on behalf of this legislation. It has taken a great deal of tenacity and it has taken a great deal of patience to bring this legislation to the floor but it is clear that this legislation is in the best interest of the Nation and it is in the best interest of the Presidio.

One need only stop for a moment at the Presidio to recognize immediately why this wonderful, wonderful national asset has such broad popular support across the Nation from every conceivable part of American society, but bringing all those disparate parts together is hard work and takes a great deal of patience and a great deal of counsel. Our colleague, the gentlewoman from California, Congresswoman PELOSI, provided the strategy, the counsel, and the patience; and our colleague, the gentleman from Utah, [Mr. HANSEN], provided the counsel and a great deal of patience in dealing with this legislation.

What has emerged is a bipartisan piece of legislation supported by every level of government, every level of citizen group, every level of national organization for the preservation for the Presidio. There was no question that the Presidio was going to become a park. That has been done. The question and the challenge has been how can we best support that park, finance that park and deliver all of the assets and all of the uses of the park to the American people and to those of us who live in the San Francisco Bay area. This legislation achieves those goals while trying to get the very best bang for the buck for the taxpayers and trying to make sure that we can maintain all of the reasons and all of the assets of the Presidio that make it such a charming addition, an important addition to the Park Service, and to the cultural history of this Nation and of the bay area that that long history will be preserved with this legislation.

Mr. Speaker, this is an important piece of legislation. There really is no other alternative. This legislation was born out of months and weeks and hours of deliberations of other ways of meeting the goals and the needs of support for the Presidio, and that is what has emerged out of those deliberations. I would hope that the House would support it overwhelmingly. I would hope that they recognize that if this is successful, this is, in fact, the blueprint for how we can work out arrangements for other assets within the Federal Government's park system and preserve system so that they can be both utilized and they can be properly supported so that we will not diminish their value, their characteristics, and their importance to both the Nation and to the regions.

Mr. Speaker, I also would like to thank Judy Lemons, who has worked terribly hard, Steve Hodapp, who came at this, with all of the support and efforts and difference of views of various constituency groups, and allowed us to fashion this legislation. I urge my colleagues to support it.

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume to again commend the gentlewoman from California [Ms. PELOSI] for the fine work that she has done on this. I do not know if the people in the bay area realize the hundreds of hours she and her staff put into this and they should be very proud of her work. Without her work, I would guarantee Members this would not be in front of us today. There is no question, she is a very persistent legislator.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. RICHARDSON. Mr. Speaker, I yield myself such time as I may consume.

In summary, I want to reiterate what the chairman of the subcommittee said. I think the gentlewoman from California [Ms. PELOSI] and the gentleman from California [Mr. MILLER] who has worked many years on this bill, many, many years to get it through, I think they deserve enormous credit and we should pass this bill. It is good legislation. I think we can look at it to deal with other issues as we look at dealing with parks in the future, instead of park closure commissions. I think this is a good bill, and I have no further requests for time.

Ms. WOOLSEY. Mr. Speaker, for those of you who might not be familiar with the Presidio, it is the southern anchorage of the Golden Gate Bridge and the centerpiece of the Golden Gate National Recreation Area—the most visited national park in the entire National Park System.

The entire Presidio was designated a National Historic Landmark in 1962. It is a showcase of architectural styles dating from the Civil War. It contains 876 structures, over half of which are of historic or cultural significance.

In addition, the Presidio is the only United Nations designated International Biosphere in an urban area. It is home to 21 rare and endangered species and 10 rare plant communities that have disappeared in the rest of San Francisco. It encompasses 300 acres of historic forest planted by the U.S. Army over 100 years ago. Sites throughout the Presidio provide spectacular views of the Pacific Ocean, the Golden Gate Bridge, Marin headlands, San Francisco Bay, and the skyline of San Francisco. It is adjacent to the largest marine sanctuary chain in the world.

The Presidio is unique in its historical, cultural, and natural reach. If you have not seen it, you should. It is a dramatic site that you will never forget.

H.R. 1296 protects these resources, through a Presidio Trust, while requiring cost-effective management of the Presidio. Vote for H.R. 1296.

Mr. RICHARDSON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FOLEY). The question is on the motion offered by the gentleman from Utah [Mr. HANSEN] that the House suspend the rules and pass the bill, H.R. 1296, as amended.

The question was taken.

Mr. HANSEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

TEXAS LOW-LEVEL RADIOACTIVE WASTE DISPOSAL COMPACT CONSENT ACT

Mr. SCHAEFER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 558) to grant the consent of the Congress to the Texas Low-Level Radioactive Waste Disposal Compact.

The Clerk read as follows:

H.R. 558

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Texas Low-Level Radioactive Waste Disposal Compact Consent Act''.

SEC. 2. CONGRESSIONAL FINDING.

The Congress finds that the compact set forth in section 5 is in furtherance of the Low-Level Radioactive Waste Policy Act (42 U.S.C. 2021b et seq.).

SEC. 3. CONDITIONS OF CONSENT TO COMPACT.

The consent of the Congress to the compact set forth in section 5—

(1) shall become effective on the date of the enactment of this Act;

(2) is granted subject to the provisions of the Low-Level Radioactive Waste Policy Act (42 U.S.C. 2021b et seq.); and

(3) is granted only for so long as the regional commission established in the compact complies with all of the provisions of such Act.

SEC. 4. CONGRESSIONAL REVIEW.

The Congress may alter, amend, or repeal this Act with respect to the compact set forth in section 5 after the expiration of the 10-year period following the date of the enactment of this Act, and at such intervals thereafter as may be provided in such compact.

SEC. 5. TEXAS LOW-LEVEL RADIOACTIVE WASTE DISPOSAL COMPACT.

In accordance with section 4(a)(2) of the Low-Level Radioactive Waste Policy Act (42 U.S.C. 2021d(a)(2)), the consent of the Congress is given to the States of Texas, Maine, and Vermont to enter into the Texas Low-Level Radioactive Waste Disposal Compact. Such compact is substantially as follows:

''TEXAS LOW-LEVEL RADIOACTIVE WASTE DISPOSAL COMPACT

''ARTICLE I. POLICY AND PURPOSE

''SEC. 1.01. The party states recognize a responsibility for each state to seek to manage low-level radioactive waste generated within its boundaries, pursuant to the Low-Level Radioactive Waste Policy Act, as amended by the Low-Level Radioactive Waste Policy Amendments Act of 1985 (42 U.S.C. 2021b–2021j). They also recognize that the United States Congress, by enacting the Act, has authorized and encouraged states to enter

into compacts for the efficient management and disposal of low-level radioactive waste. It is the policy of the party states to cooperate in the protection of the health, safety, and welfare of their citizens and the environment and to provide for and encourage the economical management and disposal of low-level radioactive waste. It is the purpose of this compact to provide the framework for such a cooperative effort; to promote the health, safety, and welfare of the citizens and the environment of the party states; to limit the number of facilities needed to effectively, efficiently, and economically manage low-level radioactive waste and to encourage the reduction of the generation thereof; and to distribute the costs, benefits, and obligations among the party states; all in accordance with the terms of this compact.

''ARTICLE II. DEFINITIONS

''SEC. 2.01. As used in this compact, unless the context clearly indicates otherwise, the following definitions apply:

''(1) 'Act' means the Low-Level Radioactive Waste Policy Act, as amended by the Low-Level Radioactive Waste Policy Amendments Act of 1985 (42 U.S.C. 2021b–2021j).

''(2) 'Commission' means the Texas Low-Level Radioactive Waste Disposal Compact Commission established in Article III of this compact.

''(3) 'Compact facility' or 'facility' means any site, location, structure, or property located in and provided by the host state for the purpose of management or disposal of low-level radioactive waste for which the party states are responsible.

''(4) 'Disposal' means the permanent isolation of low-level radioactive waste pursuant to requirements established by the United States Nuclear Regulatory Commission and the United States Environmental Protection Agency under applicable laws, or by the host state.

''(5) 'Generate,' when used in relation to low-level radioactive waste, means to produce low-level radioactive waste.

''(6) 'Generator' means a person who produces or processes low-level radioactive waste in the course of its activities, excluding persons who arrange for the collection, transportation, management, treatment, storage, or disposal of waste generated outside the party states, unless approved by the commission.

''(7) 'Host county' means a county in the host state in which a disposal facility is located or is being developed.

''(8) 'Host state' means a party state in which a compact facility is located or is being developed. The State of Texas is the host state under this compact.

''(9) 'Institutional control period' means that period of time following closure of the facility and transfer of the facility license from the operator to the custodial agency in compliance with the appropriate regulations for long-term observation and maintenance.

''(10) 'Low-level radioactive waste' has the same meaning as that term is defined in Section 2(9) of the Act (42 U.S.C. 2021b(9)), or in the host state statute so long as the waste is not incompatible with management and disposal at the compact facility.

''(11) 'Management' means collection, consolidation, storage, packaging, or treatment.

''(12) 'Operator' means a person who operates a disposal facility.

''(13) 'Party state' means any state that has become a party in accordance with Article VII of this compact. Texas, Maine, and Vermont are initial party states under this compact.

''(14) 'Person' means an individual, corporation, partnership or other legal entity, whether public or private.

''(15) 'Transporter' means a person who transports low-level radioactive waste.

''ARTICLE III. THE COMMISSION

''SEC. 3.01. There is hereby established the Texas Low-Level Radioactive Waste Disposal Compact Commission. The commission shall consist of one voting member from each party state except that the host state shall be entitled to six voting members. Commission members shall be appointed by the party state governors, as provided by the laws of each party state. Each party state may provide alternates for each appointed member.

''SEC. 3.02. A quorum of the commission consists of a majority of the members. Except as otherwise provided in this compact, an official act of the commission must receive the affirmative vote of a majority of its members.

''SEC. 3.03. The commission is a legal entity separate and distinct from the party states and has governmental immunity to the same extent as an entity created under the authority of Article XVI, Section 59, of the Texas Constitution. Members of the commission shall not be personally liable for actions taken in their official capacity. The liabilities of the commission shall not be deemed liabilities of the party states.

''SEC. 3.04. The commission shall:

''(1) Compensate its members according to the host state's law.

''(2) Conduct its business, hold meetings, and maintain public records pursuant to laws of the host state, except that notice of public meetings shall be given in the non-host party states in accordance with their respective statutes.

''(3) Be located in the capital city of the host state.

''(4) Meet at least once a year and upon the call of the chair, or any member. The governor of the host state shall appoint a chair and vice-chair.

''(5) Keep an accurate account of all receipts and disbursements. An annual audit of the books of the commission shall be conducted by an independent certified public accountant, and the audit report shall be made a part of the annual report of the commission.

''(6) Approve a budget each year and establish a fiscal year that conforms to the fiscal year of the host state.

''(7) Prepare, adopt, and implement contingency plans for the disposal and management of low-level radioactive waste in the event that the compact facility should be closed. Any plan which requires the host state to store or otherwise manage the low-level radioactive waste from all the party states must be approved by at least four host state members of the commission. The commission, in a contingency plan or otherwise, may not require a non-host party state to store low-level radioactive waste generated outside of the state.

''(8) Submit communications to the governors and to the presiding officers of the legislatures of the party states regarding the activities of the commission, including an annual report to be submitted on or before January 31 of each year.

''(9) Assemble and make available to the party states, and to the public, information concerning low-level radioactive waste management needs, technologies, and problems.

''(10) Keep a current inventory of all generators within the party states, based upon information provided by the party states.

''(11) By no later than 180 days after all members of the commission are appointed under Section 3.01 of this article, establish by rule the total volume of low-level radioactive waste that the host state will dispose of in the compact facility in the years 1995–2045, including decommissioning waste. The shipments of low-level radioactive waste from all non-host party states shall not exceed 20 percent of the volume estimated to be disposed of by the host state during the 50-year period. When averaged over such 50-year period, the total of all shipments from non-host party states shall not exceed 20,000 cubic feet a year. The commission shall coordinate the volumes, timing, and frequency of shipments from generators in the non-host party states in order to assure that over the life of this agreement shipments from the non-host party states do not exceed 20 percent of the volume projected by the commission under this paragraph.

''SEC. 3.05. The commission may:

''(1) Employ staff necessary to carry out its duties and functions. The commission is authorized to use to the extent practicable the services of existing employees of the party states. Compensation shall be as determined by the commission.

''(2) Accept any grants, equipment, supplies, materials, or services, conditional or otherwise, from the federal or state government. The nature, amount and condition, if any, of any donation, grant or other resources accepted pursuant to this paragraph and the identity of the donor or grantor shall be detailed in the annual report of the commission.

''(3) Enter into contracts to carry out its duties and authority, subject to projected resources. No contract made by the commission shall bind a party state.

''(4) Adopt, by a majority vote, bylaws and rules necessary to carry out the terms of this compact. Any rules promulgated by the commission shall be adopted in accordance with the Administrative Procedure and Texas Register Act (Article 6252–13a, Vernon's Texas Civil Statutes).

''(5) Sue and be sued and, when authorized by a majority vote of the members, seek to intervene in administrative or judicial proceedings related to this compact.

''(6) Enter into an agreement with any person, state, regional body, or group of states for the importation of low-level radioactive waste into the compact for management or disposal, provided that the agreement receives a majority vote of the commission. The commission may adopt such conditions and restrictions in the agreement as it deems advisable.

''(7) Upon petition, allow an individual generator, a group of generators, or the host state of the compact, to export low-level waste to a low-level radioactive waste disposal facility located outside the party states. The commission may approve the petition only by a majority vote of its members. The permission to export low-level radioactive waste shall be effective for that period of time and for the specified amount of low-level radioactive waste, and subject to any other term or condition, as is determined by the commission.

''(8) Monitor the exportation outside of the party states of material, which otherwise meets the criteria of low-level radioactive waste, where the sole purpose of the exportation is to manage or process the material for recycling or waste reduction and return it to the party states for disposal in the compact facility.

''SEC. 3.06. Jurisdiction and venue of any action contesting any action of the commission shall be in the United States District Court in the district where the commission maintains its office.

''ARTICLE IV. RIGHTS, RESPONSIBILITIES, AND OBLIGATIONS OF PARTY STATES

''SEC. 4.01. The host state shall develop and have full administrative control over the development, management and operation of a

facility for the disposal of low-level radioactive waste generated within the party states. The host state shall be entitled to unlimited use of the facility over its operating life. Use of the facility by the non-host party states for disposal of low-level radioactive waste, including such waste resulting from decommissioning of any nuclear electric generation facilities located in the party states, is limited to the volume requirements of Section 3.04(11) of Article III.

''SEC. 4.02. Low-level radioactive waste generated within the party states shall be disposed of only at the compact facility, except as provided in Section 3.05(7) of Article III.

''SEC. 4.03. The initial states of this compact cannot be members of another low-level radioactive waste compact entered into pursuant to the Act.

''SEC. 4.04. The host state shall do the following:

''(1) Cause a facility to be developed in a timely manner and operated and maintained through the institutional control period.

''(2) Ensure, consistent with any applicable federal and host state laws, the protection and preservation of the environment and the public health and safety in the siting, design, development, licensing, regulation, operation, closure, decommissioning, and long-term care of the disposal facilities within the host state.

''(3) Close the facility when reasonably necessary to protect the public health and safety of its citizens or to protect its natural resources from harm. However, the host state shall notify the commission of the closure within three days of its action and shall, within 30 working days of its action, provide a written explanation to the commission of the closure, and implement any adopted contingency plan.

''(4) Establish reasonable fees for disposal at the facility of low-level radioactive waste generated in the party states based on disposal fee criteria set out in Sections 402.272 and 402.273, Texas Health and Safety Code. The same fees shall be charged for the disposal of low-level radioactive waste that was generated in the host state and in the non-host party states. Fees shall also be sufficient to reasonably support the activities of the Commission.

''(5) Submit an annual report to the commission on the status of the facility, including projections of the facility's anticipated future capacity, and on the related funds.

''(6) Notify the Commission immediately upon the occurrence of any event which could cause a possible temporary or permanent closure of the facility and identify all reasonable options for the disposal of low-level radioactive waste at alternate compact facilities or, by arrangement and Commission vote, at noncompact facilities.

''(7) Promptly notify the other party states of any legal action involving the facility.

''(8) Identify and regulate, in accordance with federal and host state law, the means and routes of transportation of low-level radioactive waste in the host state.

''SEC. 4.05. Each party state shall do the following:

''(1) Develop and enforce procedures requiring low-level radioactive waste shipments originating within its borders and destined for the facility to conform to packaging, processing, and waste from specifications of the host state.

''(2) Maintain a registry of all generators within the state that may have low-level radioactive waste to be disposed of at a facility, including, but not limited to, the amount of low-level radioactive waste and the class of low-level radioactive waste generated by each generator.

''(3) Develop and enforce procedures requiring generators within its borders to minimize the volume of low-level radioactive waste requiring disposal. Nothing in this compact shall prohibit the storage, treatment, or management of waste by a generator.

''(4) Provide the commission with any data and information necessary for the implementation of the commission's responsibilities, including taking those actions necessary to obtain this data or information.

''(5) Pay for community assistance projects designated by the host county in an amount for each non-host party state equal to 10 percent of the payment provided for in Article V for each such state. One-half of the payment shall be due and payable to the host county on the first day of the month following ratification of this compact agreement by Congress and one-half of the payment shall be due and payable on the first day of the month following the approval of a facility operating license by the host state's regulatory body.

''(6) Provide financial support for the commission's activities prior to the date of facility operation and subsequent to the date of congressional ratification of this compact under Section 7.07 of Article VII. Each party state will be responsible for annual payments equalling its pro-rata share of the commission's expenses, incurred for administrative, legal, and other purposes of the commission.

''(7) If agreed by all parties to a dispute, submit the dispute to arbitration or other alternate dispute resolution process. If arbitration is agreed upon, the governor of each party state shall appoint an arbitrator. If the number of party states is an even number, the arbitrators so chosen shall appoint an additional arbitrator. The determination of a majority of the arbitrators shall be binding on the party states. Arbitration proceedings shall be conducted in accordance with the provisions of 9 U.S.C. Sections 1 to 16. If all parties to a dispute do not agree to arbitration or alternate dispute resolution process, the United States District Court in the district where the commission maintains its office shall have original jurisdiction over any action between or among parties to this compact.

''(8) Provide on a regular basis to the commission and host state—

''(A) an accounting of waste shipped and proposed to be shipped to the compact facility, by volume and curies;

''(B) proposed transportation methods and routes; and

''(C) proposed shipment schedules.

''(9) Seek to join in any legal action by or against the host state to prevent nonparty states or generators from disposing of low-level radioactive waste at the facility.

''SEC. 4.06. Each party state shall act in good faith and may rely on the good faith performance of the other party states regarding requirements of this compact.

''ARTICLE V. PARTY STATE CONTRIBUTIONS

''SEC. 5.01. Each party state, except the host state, shall contribute a total of $25 million to the host state. Payments shall be deposited in the host state treasury to the credit of the low-level waste fund in the following manner except as otherwise provided. Not later than the 60th day after the date of congressional ratification of this compact, each non-host party state shall pay to the host state $12.5 million. Not later than the 60th day after the date of the opening of the compact facility, each non-host party state shall pay to the host state an additional $12.5 million.

''SEC. 5.02. As an alternative, the host state and the non-host states may provide for payments in the same total amount as stated above to be made to meet the principal and interest expense associated with the bond indebtedness or other form of indebtedness issued by the appropriate agency of the host state for purposes associated with the development, operation, and post-closure monitoring of the compact facility. In the event the member states proceed in this manner, the payment schedule shall be determined in accordance with the schedule of debt repayment. This schedule shall replace the payment schedule described in Section 5.01 of this article.

''ARTICLE VI. PROHIBITED ACTS AND PENALTIES

''SEC. 6.01. No person shall dispose of low-level radioactive waste generated within the party states unless the disposal is at the compact facility, except as otherwise provided in Section 3.05(7) of Article III.

''SEC. 6.02. No person shall manage or dispose of any low-level radioactive waste within the party states unless the low-level radioactive waste was generated within the party states, except as provided in Section 3.05(6) of Article III. Nothing herein shall be construed to prohibit the storage or management of low-level radioactive waste by a generator, nor its disposal pursuant to 10 C.F.R. Part 20.302.

''SEC. 6.03. Violations of this article may result in prohibiting the violator from disposing of low-level radioactive waste in the compact facility, or in the imposition of penalty surcharges on shipments to the facility, as determined by the commission.

''ARTICLE VII. ELIGIBILITY, ENTRY INTO EFFECT; CONGRESSIONAL CONSENT; WITHDRAWAL; EXCLUSION

''SEC. 7.01. The states of Texas, Maine, and Vermont are party states to this compact. Any other state may be made eligible for party status by a majority vote of the commission and ratification by the legislature of the host state, subject to fulfillment of the rights of the initial non-host party states under Section 3.04(11) of Article III and Section 4.01 of Article IV, and upon compliance with those terms and conditions for eligibility that the host state may establish. The host state may establish all terms and conditions for the entry of any state, other than the states named in this section, as a member of this compact; provided, however, the specific provisions of this compact, except for those pertaining to the composition of the commission and those pertaining to Section 7.09 of this article, may not be changed except upon ratification by the legislatures of the party states.

''SEC. 7.02. Upon compliance with the other provisions of this compact, a state made eligible under Section 7.01 of this article may become a party state by legislative enactment of this compact or by executive order of the governor of the state adopting this compact. A state becoming a party state by executive order shall cease to be a party state upon adjournment of the first general session of its legislature convened after the executive order is issued, unless before the adjournment, the legislature enacts this compact.

''SEC. 7.03. Any party state may withdraw from this compact by repealing enactment of this compact subject to the provisions herein. In the event the host state allows an additional state or additional states to join the compact, the host state's legislature, without the consent of the non-host party states, shall have the right to modify the composition of the commission so that the host state shall have a voting majority on the commission, provided, however, that any modification maintains the right of each initial party state to retain one voting member on the commission.

''SEC. 7.04. If the host state withdraws from the compact, the withdrawal shall not become effective until five years after enactment of the repealing legislation and the non-host party states may continue to use the facility during that time. The financial obligation of the non-host party states under Article V shall cease immediately upon enactment of the repealing legislation. If the host state withdraws from the compact or abandons plans to operate a facility prior to the date of any non-host party state payment under Sections 4.05(5) and (6) of Article IV or Article V, the non-host party states are relieved of any obligations to make the contributions. This section sets out the exclusive remedies for the non-host party states if the host state withdraws from the compact or is unable to develop and operate a compact facility.

''SEC. 7.05. A party state, other than the host state, may withdraw from the compact by repealing the enactment of this compact, but this withdrawal shall not become effective until two years after the effective date of the repealing legislation. During this two-year period the party state will continue to have access to the facility. The withdrawing party shall remain liable for any payments under Sections 4.05(5) and (6) of Article IV that were due during the two-year period, and shall not be entitled to any refund of payments previously made.

''SEC. 7.06. Any party state that substantially fails to comply with the terms of the compact or to fulfill its obligations hereunder may have its membership in the compact revoked by a seven-eighths vote of the commission following notice that a hearing will be scheduled not less than six months from the date of the notice. In all other respects, revocation proceedings undertaken by the commission will be subject to the Administrative Procedure and Texas Register Act (Article 6252–13a, Vernon's Texas Civil Statutes), except that a party state may appeal the commission's revocation decision to the United States District Court in accordance with Section 3.06 of Article III. Revocation shall take effect one year from the date such party state receives written notice from the commission of a final action. Written notice of revocation shall be transmitted immediately following the vote of the commission, by the chair, to the governor of the affected party state, all other governors of party states, and to the United States Congress.

''SEC. 7.07. This compact shall take effect following its enactment under the laws of the host state and any other party state and thereafter upon the consent of the United States Congress and shall remain in effect until otherwise provided by federal law. If Texas and either Maine or Vermont ratify this compact, the compact shall be in full force and effect as to Texas and the other ratifying state, and this compact shall be interpreted as follows:

''(1) Texas and the other ratifying state are the initial party states.

''(2) The commission shall consist of two voting members from the other ratifying state and six from Texas.

''(3) Each party state is responsible for its pro-rata share of the commission's expenses.

''SEC. 7.08. This compact is subject to review by the United States Congress and the withdrawal of the consent of Congress every five years after its effective date, pursuant to federal law.

''SEC. 7.09. The host state legislature, with the approval of the governor, shall have the right and authority, without the consent of the non-host party states, to modify the provisions contained in Section 3.04(11) of Article III to comply with Section 402.219(c)(1), Texas Health & Safety Code, as long as the modification does not impair the rights of the initial non-host party states.

''ARTICLE VIII. CONSTRUCTION AND SEVERABILITY

''SEC. 8.01. The provisions of this compact shall be broadly construed to carry out the purposes of the compact, but the sovereign powers of a party shall not be infringed upon unnecessarily.

''SEC. 8.02. This compact does not affect any judicial proceeding pending on the effective date of this compact.

''SEC. 8.03. No party state acquires any liability, by joining this compact, resulting from the siting, operation, maintenance, long-term care or any other activity relating to the compact facility. No non-host party state shall be liable for any harm or damage from the siting, operation, maintenance, or long-term care relating to the compact facility. Except as otherwise expressly provided in this compact, nothing in this compact shall be construed to alter the incidence of liability of any kind for any act or failure to act. Generators, transporters, owners and operators of facility shall be liable for their acts, omissions, conduct or relationships in accordance with applicable law. By entering into this compact and securing the ratification by Congress of its terms, no party state acquires a potential liability under section 5(d)(2)(C) of the Act (42 U.S.C. Sec. 2021e(d)(2)(C)) that did not exist prior to entering into this compact.

''SEC. 8.04. If a party state withdraws from the compact pursuant to Section 7.03 of Article VII or has its membership in this compact revoked pursuant to section 7.06 of Article VII, the withdrawal or revocation shall not affect any liability already incurred by or chargeable to the affected state under Section 8.03 of this article.

''SEC. 8.05. The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of this compact is declared by a court of competent jurisdiction to be contrary to the constitution of any participating state or of the United States or the applicability thereof to any government, agency, person or circumstances is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby to the extent the remainder can in all fairness be given effect. If any provision of this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the state affected as to all severable matters.

''SEC. 8.06. Nothing in this compact diminishes or otherwise impairs the jurisdiction, authority, or discretion of either of the following:

''(1) The United States Nuclear Regulatory Commission pursuant to the Atomic Energy Act of 1954, as amended (42 U.S.C. Sec. 2011 et seq.).

''(2) An agreement state under section 274 of the Atomic Energy Act of 1954, as amended (42 U.S.C. Sec. 2021).

''SEC. 8.07. Nothing in this compact confers any new authority on the states or commission to do any of the following:

''(1) Regulate the packaging or transportation of low-level radioactive waste in a manner inconsistent with the regulations of the United States Nuclear Regulatory Commission or the United States Department of Transportation.

''(2) Regulate health, safety, or environmental hazards from source, by-product, or special nuclear material.

''(3) Inspect the activities of licensees of the agreement states or of the United States Nuclear Regulatory Commission.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado [Mr. SCHAEFER] will be recognized for 20 minutes, and the gentleman from New Jersey [Mr. PALLONE] will be recognized for 20 minutes.

Mr. BRYANT of Texas. Mr. Speaker, might I ask if the gentleman from New Jersey [Mr. PALLONE] is opposed to the bill?

Mr. PALLONE. No, Mr. Speaker, I am in favor of the bill.

Mr. BRYANT of Texas. Inasmuch as that is the case, Mr. Speaker, I request I be permitted to manage the time on this side in opposition to the bill.

The SPEAKER pro tempore. The gentleman from Texas [Mr. BRYANT] will be recognized for 20 minutes in opposition to the bill.

The Chair recognizes the gentleman from Colorado [Mr. SCHAEFER].

Mr. SCHAEFER. Mr. Speaker, I yield myself such time as I may consume.

(Mr. SCHAEFER asked and was given permission to revise and extend his remarks.)

Mr. SCHAEFER. Mr. Speaker, I rise in support of H.R. 558, introduced by our colleague from Texas [Mr. FIELDS], which would grant congressional consent to the Texas, Maine, Vermont Low-level Radioactive Waste Disposal Compact. In 1980, Congress made the policy decision that we at the Federal level would divide responsibility for radioactive waste disposal within the States. The Federal Government would be responsible for the disposal of high-level waste while the States would handle the low-level wastes. These low-level wastes emit a less intensity of radioactivity. In fact, the vast majority of low-level waste, 97 percent, do not require any special shielding to protect workers or the surrounding community. Currently, 42 States are already involved in 9 compact arrangements for the disposal of low-level waste.

Mr. Speaker, the legislation before the House today will finally allow the States of Texas, Maine, and Vermont to begin their efforts to fully comply with the Low-level Radioactive Waste Act of 1980.

The responsibility of Congress in approving the compact is fairly simply. If the Texas compact complies with underlying requirements of the Low-level Radioactive Waste Act, Congress must grant approval to the compact. In our consideration of this measure before the Subcommittee on Energy and Power, we found that the Texas compact does meet this test. Congressional consent with allow the affected States to move ahead with their compact to fulfill the requirements of the Federal Low-level Waste Act.

Mr. SCHAEFER. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. BONILLA].

Mr. BONILLA. Mr. Speaker, I thank the chairman for yielding me time. As the chairman knows, this particular project is in my congressional district and I cannot emphasize strongly enough, after Members look into the people's eyes and listen to their message in Hudspeth County and the west

Texas area and surrounding communities of the Hudspeth County area, this is strongly going to impact their property rights and their lives and disrupt their communities to the degree that I think it is difficult for Members here to understand unless they can actually hear it from them firsthand. Therefore, I strongly am opposed to this bill, and I believe that this act should be amended, actually to include the input from local constituents like that when their lives can be disrupted. My constituents should never be forced to accept the low-level radioactive waste generated outside of Texas without first having their wishes considered at the Federal level, nor should any American community, for that matter.

Mr. Speaker, I ask my colleagues to think of this vote as if it was their constituents being affected and whose voices were being silenced. All of our constituents have a right to be heard on such matters.

In 1986, 7 years before I was elected to the U.S. House of Representatives, Congress passed legislation granting each individual State the authority to make a disposal agreement with other States.

This measure is in keeping with the interstate commerce clause of the U.S. Constitution.

It was designed to be fair and mutually beneficial to all participants; and it is, for the most part, except for the one party which is directly impacted—the people who live at the selected disposal sites. This fact makes all the difference as to why H.R. 558 is not good legislation.

Although the States have control in determining site selection, today, we in Congress can give my constituents a voice by voting ''no'' on this measure and demanding that the process be amended to consider local rights.

I am aware of a Federal circuit court ruling, based on interstate commerce law, which requires States to accept the low-level waste of other States. However, radioactive waste commerce cannot be considered in the same light as other interstate commerce.

This was recognized by Congress when the House passed the 1986 legislation which provided a means for restricting this form of commerce between States.

The Texas-Vermont-Maine compact has the benefit of limiting waste shipments to those three States. However, there remain serious problems with this compact.

The language of the compact is not completely clear as to whether the Commission established under the compact could open the Hudspeth site to waste from even more. In addition, the people of Hudspeth County are compelled to accept this waste without recourse. It is vital that everyone understand the facts and what is involved.

Lastly, given the earthquake which recently struck the heart of rural west Texas, I had asked for a detailed geological study to be done on the effects that this and future earthquakes would have on the proposed site and just what consequences this would have on water quality and other health-threatening concerns.

This legislation has come to the floor today without a study and without knowledge of the potential harm caused by placing the compact in Hudspeth County. We are talking about private property rights here, real people, real lives.

Again, I ask that the Congress oppose the compact.

Mr. SCHAEFER. Mr. Speaker, I appreciate the gentleman's concern from his own district down there.

Mr. Speaker, I reserve the balance of my time.

Mr. BRYANT of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Constitution of the United States gives to Congress the right to approve compacts between the States, and when a compact is clearly not in the interest of the people of the United States of America, notwithstanding what may have been done between the two States, it is the duty of the Congress to reject that compact. We will offer today compelling arguments with regard to the national interest about why this compact should be rejected and would call upon the Members of the House to join with us in sending this compact back to be handled in a different fashion at the local level.

The fact of the matter is the States involved avoided the politically uncomfortable decisions and, therefore, made an irresponsible decision to locate this nuclear waste dump in a very unfortunate place, within 14 miles of an international border, in an active earthquake zone which is next to the Rio Grande river, thereby inviting Mexico to locate its unpleasant dump sites to the river in the future, also subjecting the United States to enormous liabilities to all the inhabitants of the Rio Grande valley should an earthquake come, as happened only last April within 100 miles of this site, and contaminate the entire lower Rio Grande valley.

□ 1745

These compacts are supposed to be regional in nature. This is not a regional compact. This is a compact between Texas and the State of Maine. There could hardly be greater distances between the two locations.

This compact is not in the interest of the country. I urge the Members of the House to vote against it.

Mr. Speaker, I reserve the balance of my time.

Mr. SCHAEFER. Mr. Speaker, I yield 5 minutes to my good friend, the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, perhaps the most important thing about the Texas low-level waste compact is the progress it represents. This will be the 10th compact to receive congressional approval, and will bring to 45 the number of States moving forward together to meet their disposal needs. I am very happy to support its passage.

The compact system envisioned by the Low-Level Radioactive Waste Policy Act was developed with the strong support of the National Governors' Association. Under the law, the difficult task of selecting disposal sites is the States' responsibility. Congress' responsibility, on the other hand, is to act quickly on the compact's request and, if all is in order, to approve it promptly.

The Texas compact meets the law's requirements, and I urge my colleagues to support it.

Mr. BRYANT. Mr. Speaker, I yield 5 minutes to the gentleman from El Paso, TX [Mr. COLEMAN].

(Mr. COLEMAN asked and was given permission to revise and extend his remarks.)

Mr. COLEMAN. Mr. Speaker, I thank my colleague from Dallas, TX, for yielding me this time.

Mr. Speaker, I agree with the statements by the gentleman adjoining my congressional district, the gentleman from Texas [Mr. BONILLA], who represents the district, the area in which the low-level radioactive waste dump site was to be located, or is to be located if we continue down this awkward path. I say awkward simply because I do not really care what the Congress said back in 1980 or 1982, that said low level, you do it; high level, we will do it. Low level, we will leave it to the States. So long as we care about the health and safety of any American citizen, I do not think we can wash our hands of that.

Mr. Speaker, I think the statements made by my colleague, the gentleman from Texas [Mr. BONILLA], are absolutely on target. I have represented that area during all of the time that the siting decisions were being made by the State of Texas, during all of the time that negotiations were ongoing between Vermont, Texas, and Maine.

We should not leave out Vermont in any of this discussion, by the way. They too, like Maine, have aging nuclear facilities that will all have to be dumped somewhere, some day. We know where that will be, provided the Congress of the United States does not stop going down this path believing that we can do anything we want. We do not care what the consequences are.

Let me tell you why it is especially difficult today I think for anyone to say that they support measures like this. It should be that the Federal Government should not be condoning another financial liability of massive proportions. After all, if in fact we have to do a cleanup, if there is an accident, and let me say we are putting it into an area of high earthquake and seismic

activity. The largest earthquake by the way in the State of Texas occurred in 1931, it was right here where they are putting the dump site.

Guess what happened last month? Another earthquake, affecting west Texas as it had not since the 1930's. Well, I guess everybody is sure that nothing bad will ever happen. That is what we always say. Why, this earthquake, we can sustain these kinds of things if we do this thing right. That is what everybody always says.

Let me just tell you what. I can tell you that, however, all of those statements notwithstanding, it is the poor siting, coupled with the large loopholes in the very bill you are asking us to vote on in this compact, which exposed the Federal Government, and yes, all U.S. taxpayers, not just those in Texas, as the compact would have you believe, not just those in Texas. By the way, Maine and Vermont will get out of it pretty easy in the compact itself. But this compact exposes all taxpayers to an enormous and unreasonable amount of liability.

I can tell you that this epicenter of the earthquake that occurred last month is the strongest recorded in Texas. I ask why would anybody deliberately dispose of such volatile materials in an area known for its seismic activity? Those are the kinds of questions we ought to be asking.

Who will ultimately have to pay? Well, we know. Under article 8, section 8.03, of the compact, the States of Vermont and Maine will not be held liable for damage incurred due to the siting, operation, maintenance, long-term care, or any other activity relating to the compact facility.

I am citing it to you. It is right there in the bill. Who does this leave liable? Some of us might think, well, maybe it is going to be the generators of the waste. Maybe it is going to be the transporters, the owners, the operators of the facility. However, these companies have limited financial resources. If they run out, once again, who do we leave that to? The taxpayers of Texas certainly, but also the taxpayers of the rest of the United States in bearing the brunt of that liability.

I could get into the issue of balancing the budget and how it is that we want to reform Superfund and cleanup and all of the things we know that have not happened very economically in terms of time or efficiency. Again, all I would say is we should be very careful, I think, before we get the United States back into another problem of that kind.

I do not think anyone here that should think all Texans are in agreement on this compact. Unlike the citizens of Maine, the people of Texas were never provided the opportunity to vote on whether or not they approve of this compact.

Mr. BONILLA. Mr. Speaker, will the gentleman yield?

Mr. COLEMAN. I yield to the gentleman from Texas.

Mr. BONILLA. Mr. Speaker, I think as the gentleman is speaking reminds me of a point made that perhaps no other Member in Congress can testify firsthand to the beauty and the pristine of the wide open spaces of the part of the country we are talking about, that are unspoiled and untouched by any outside influence or contamination or toxic substance. It would be a real tragedy to have this suddenly introduced into an area like that.

Mr. COLEMAN. Mr. Speaker, reclaiming my time, the gentleman is correct. Let me just tell the gentleman, it is not just even the problems in the area that is going to be dumped upon. There is another issue, and that is that we do not limit the volume of waste it must accept from the party States as well as other contracting States which will occur.

Mr. Speaker, I would urge my colleagues to vote against this legislation, and I hope in the subsequent time we can make the other points that need to be made.

Today we are being asked to grant our approval of the Texas, Vermont, and Maine Low-Level Radioactive Waste Disposal Compact. While this legislation does not directly determine the site of disposal, the State of Texas has already selected the site and is limited by State law to a 200-square-mile area in west Texas. I know that Congress left it to the States to determine the disposal site. However, this does not mean that we abrogated our responsibility to ensure that citizens' health and safety are not endangered. The Federal Government should not be condoning another financial liability of massive proportion and we should see that international agreements we make are lived up to.

Proponents of the compact ask that we turn our backs on the issue of siting and the flaws in the compact. They propose that Congress should rubber stamp the actions of the State, regardless of the ramifications. However, it is the poor siting, coupled with the large loopholes in the compact which expose the Federal Government to an enormous and unreasonable amount of liability.

As evident by the recent earthquake in west Texas, the mountain ranges of west Texas, northern Mexico and the Chihuahua Desert are areas of seismic activity. The site is near the epicenter of the earthquake that occurred last month and to the one that struck in 1931, the strongest recorded earthquake in Texas. The siting authority has stated that they planned for earthquakes and that the facility will be able to handle an earthquake of up to 7.0 on the richter scale. I ask you, why would anyone deliberately dispose of such volatile materials in an area known for its seismic activity? Who will ultimately have to pay for the cleanup of this site, because of poor siting? This American taxpayer, that's who.

Under article VIII, section 8.03 of the compact, the States of Vermont and Maine will not be held liable for damage incurred due to the siting, operation, maintenance, long-term care, or any other activity relating to the compact facility. Who does this leave liable? One might think the answer is the generators, transporters, owners, and operators of the facility. However, these companies have limited financial resources. So, of course, the taxpayers of Texas and the Federal Government will bear the brunt of that liability.

This Congress has made a commitment to balance the budget by the year 2002. To do so, we have made enormous cuts in the EPA and some say we will continue to cut its budget over the next 7 years. We've all seen the difficulty the EPA has had in cleaning up superfund sites. It is a long and slow process. Wouldn't it be better if we had prevented the oilspills or unregulated dump sites in the first place? This compact is the worst of both scenarios. Today, we have an opportunity to save the Federal Government millions of dollars in cleanup costs. We know that the State has chosen an active earthquake zone for the dump. Once the leakage occurs, each of you will know that you could have avoided it. When the large cleanup bills roll in, each of you will know that you could have saved the Federal Government millions of dollars.

Should you ratify this compact today, I hope you will pledge to adequately fund the superfund, the EPA and the necessary cleanup costs associated with doing what will one day be necessary.

Do not think that all Texans are in agreement on this compact. Unlike the citizens of Maine, the people of Texas were never provided the opportunity to vote on whether or not they approve of a compact. The very people who have endangered their lives by accepting the wastes of other States, the people of Texas, had no say in the decision. If it was good enough for the people of Maine, it should have been good enough for the people of Texas. The people of Texas are speaking out against the compact and the dump site. A statewide survey conducted in September 1994 showed that 82 percent of Texans don't want to accept out-of-State nuclear wastes. Yet they never got a vote. Each week another city council of county commission passes a resolution objecting to the disposal site. Mr. Chairman, I ask unanimous consent to insert these resolutions into the RECORD.

My second objection to this compact is that it does not protect Texas by limiting the volume of waste it must accept from party States and contracting States. Under this agreement, Texas accepts responsibility for both management and disposal as described in article I, section 1.01. Management is defined as collection, consolidation, storage, packaging, or treatment. Treatment is not defined in the agreement. However, it is generally accepted as including incineration. Incineration reduces the volume of the waste, but not the level of radioactivity. Thus, less volume of waste will be disposed of at the site, but at a greater level of radioactivity.

It is also unclear if waste imported from other States, but incinerated in Texas, is counted under the Texas portion or the non host allotment. Article iii, section 3.04(11) says: ''the shipments of low-level radioactive waste from all non host party states shall not exceed 20 percent of the volume estimated to be disposed of by the host state during the 50-year period.'' Shipment volumes are tied exclusively to disposal estimates. The compact is silent on how much volume can be shipped for management. A substantially larger amount of waste can be shipped in and incinerated than the disposal estimates allow. Incineration of waste will allow more States to contract to dispose of their waste in Texas.

Unfortunately, the State legislature has failed to recognize the tenuous dilemma these technical flaws have placed upon us. Once the Texas site is open there will be incredible outside pressure not to change the contract clause and so it probably will not happen. Why do these obvious disparities exist? Because, money—not the best science—is driving the compact process. Texas chose to be the host site for other States so that it could earn additional revenue. Texas could have entered into a reciprocal compact like Connecticut and New Jersey whereby each State agrees to manage and dispose of its own waste, but remains protected under the 1985 Low Level Radioactive Waste Disposal Policy Act amendments. It could have entered into a compact with a State more regional in nature. Instead, Texas chose to enter into a compact with the prosperous States of Vermont and Maine. Each of these States have aging nuclear plants which will eventually be buried lock, stock, and barrel in Texas.

A third objection relates to respecting our binational agreements. Texas has selected Sierra Blanca, the county seat of Hudspeth County, as the waste site. The town of Sierra Blanca is 20 miles from the Rio Grande River which is the international boundary between the United States and Mexico. Selection of this site is in clear violation of the 1983 agreement for cooperation on the environment between the United States and Mexico, commonly referred to as the La Paz agreement.

Under article 2 of the La Paz agreement the United States and Mexican Government are directed

> To the fullest extent practical . . . Adopt the appropriate measures to prevent, reduce, and eliminate sources of pollution in their respective territory which affect the border area of the other.

Article 7 of the agreement states that the two governments shall assess, as appropriate,

> Projects that may have significant impacts on the border area, so that appropriate measure may be considered to avoid or mitigate adverse environmental effects.

The border region is defined as properties within 100 kilometers on either side of the Rio Grande. I do not agree, as the State contends, that they must merely inform the Government of Mexico of their actions. That is not an appropriate means by which to conduct our relations with other countries, and neither do they believe it is.

I request that a communication from the Government of Mexico to the State Department outlining its objection be inserted into the RECORD immediately following my statement. As evident by this communication and the recent demonstrations on the Mexican side of the border against the dump site, the citizens and Government of Mexico are concerned about the threat to their environment from this disposal site. While Congress claims it may have no authority over the site selection process, we are responsible for guaranteeing that our binational agreements are respected by our own citizens, as well as by our State governments.

A final issue concerns waste sites in minority communities. Under this compact the site county will receive a total of $5 million from Vermont and Maine. Hudspeth County is 64 percent Latino, 2,915 people live there and the per capita income is only $13,029. It is a rural community whose residents are generally poor and do not have the means to hire high-priced lobbyists or the population to influence state policy. It is an area not unlike the many other poor, minority communities across the country which have been forced to cohabitate with other's radioactive waste. Five million dollars is a lot of money to anyone, but especially to these poor citizens. I would like to point out action by our President which speaks to the issue of poor, minority communities such as Sierra Blanca who are targeted under agreements sanctioned by this compact. On February 11, 1994, President Clinton signed the Executive order on Federal actions to address environmental justice in minority populations and low-income populations. This executive order was in response to the overwhelming evidence that minorities and low-income populations are disproportionately burdened with environmental hazards. Hudspeth County is a prime example of this. The President directed all Federal agencies to ensure that the practice not continue. It is left to Congress to address its responsibility in the same spirit of this act.

While Congress can not watch over each action by the States, we do have certain responsibilities. We have a responsibility to taxpayers not to rubber stamp an agreement which is going to cost them millions of dollars down the road. We have a responsibility to be leaders not followers in matters of civil rights. We have a responsibility to protect those without the means to protect themselves. We have a responsibility to abide by our bi-national agreements. We can fulfill our responsibility by disallowing this compact until a more suitable site is found.

Mr. Speaker, I insert the following material for the RECORD.

UNOFFICIAL TRANSLATION

The Embassy of Mexico presents its compliments to the State Department and has the honor of referring to the plans for the residual waste deposit sites that are supposed to be built near the U.S.-Mexican border: in Texas, Low Level in Sierra Blanca in Hudspeth County, Dryden in Terell County, and Spofford in Kinney County; in New Mexico, the Waste Isolation Pilot Plan in Eddy County; in California, La Posta and Campo in San Diego and Ward Valley in San Bernadino County.

As the State Department is aware, the plans for these hazardous waste deposit sites in the border zone, for which the Mexican Chancellory has appropriately given warning, have provoked strong reactions from the border communities, environmental organizations and both Mexican and United States Congressmen.

The Embassy would like to reiterate that the technical considerations shown by the Mexican Government, by the U.S. Environmental Protection Agency itself and by various non-governmental organizations of both countries, demonstrate that the plans and precautions of the companies promoting the above mentioned waste deposit projects cannot avoid the risk factor of transboundary pollution. In a context of greater environmental awareness and cooperation in the international community, neither one of our governments can ignore these types of concerns.

In accordance with the principles of cooperation and good-neighbors, the Embassy wishes to reiterate to the State Department the duty of all countries to prevent, inform and negotiate any action in their territory that could cause harm to a third state. In addition, we would like to remind you that during the High Level Meeting on Proposals for Radioactive and Hazardous Waste Deposits in the Border Zone, held on April 22, 1992, in Washington, the State Department committed itself to ''be the means through which the corresponding authorities of the United States would be made aware of any information or concern of the Mexican Government in this regard.''

As such, Mexico hopes that the United States takes all the preventive measures at its disposal to avoid the possibility of any risk of transboundary damage, or that the U.S. might cause said damage, in compliance with what was agreed upon by both governments in Article 2 of the La Paz Convention in the following terms: ''The Parties commit themselves as far as it is possible, to adopt the appropriate measures to prevent, reduce and eliminate sources of pollution in their respective territories that affect the border zone of the other.'' Based on the cited article, the hazardous waste deposit sites represents important sources of transboundary pollution.

At the same time, the second part of the article indicates that ''the Parties will cooperate in the resolution of environmental problems in the border zone for the common good, in accordance with the provisions of this Convention.'' As such, the fact that the United States Government sets a limit on its responsibility in regard to the actions taking place in its territory, whether by federal, state, local authorities or even individuals, demonstrates an unwillingness to cooperate in finding a solution to environmental problems, to which it agreed in the Convention of La Paz.

As it has already been expressed by the Mexican Government, to contemplate building such a large number of waste deposits near the international boundary or near international rivers implies that the border location was selected, and this is an outrage against the legitimate right of the people in the regional communities not to have their natural birthright and health affected.

In view of the above, and the fact that the United States has allowed local or state courts to approve such waste deposit projects without taking into account the agreements between our two countries, the Government of Mexico wishes to reiterate its particular concern because the United States Federal Government still has not taken an active role in this regard and it still has not responded to diplomatic note 1214 of October 29, 1993, in regard to the waste deposit site at Ward Valley.

In this context, the Embassy of Mexico would like to propose to the State Department that a High Level Meeting be held as soon as possible, that will allow our Governments to exchange viewpoints on the plans for the hazardous waste deposits in the border area.

The Embassy avails itself of this opportunity to renew to the State Department the assurances of its highest and most distinguished consideration.

RESOLUTION

Whereas, the State of Texas has proposed Sierra Blanca, Hudspeth County for the site of a low-level radioactive waste dump which would receive wastes from Texas, Maine, Vermont, and possible other states and whereas the wastes would be toxic for thousands of years; and

Whereas, the proposed siting appears to be a result of environmental racism and may be geological unsound as it is in an active earthquake zone and only 16 miles from the Rio Grande, potentially endangering Mexican and U.S. residents who live nearby and downstream; and

Whereas, Sierra Blanca is an impoverished Mexican American community and studies

have shown that toxic waste dumps are often sited in poor communities of color; and

Whereas, five of the six existing low-level nuclear waste dumps have reportedly leaked radiation into the surrounding environment; and

Whereas, the City of Austin is the partial owner of the South Texas Nuclear Project from which waste along with waste from Commanche Peak, and other nuclear power plants may comprise the majority of the proposed dump's contents by radioactivity; and

Whereas, the City of Austin desires to ensure the safe management of wastes it and its business ventures produce and to ensure that these wastes are not dumped on those with the least financial and physical resources to protect their communities from hazardous and radioactive waste dumping; and

Whereas, safer alternatives exist for the storage of nuclear waste such as aboveground, monitored, retrievable storage; now, therefore,

Be it resolved by the City Council of the City of Austin: That the Austin City Council opposes a nuclear waste dump in Sierra Blanca, Hudspeth County, Texas.

RESOLUTION OPPOSING THE NUCLEAR WASTE DUMP IN HUDSPETH COUNTY

* * * Sierra Blanca, Hudspeth County, for the site of low-level nuclear waste dump which would receive wastes from Texas, Maine, and Vermont and whereas the wastes will be toxic for thousands of years; and

Whereas, a radioactive release from the project could threaten the residents of West Texas; and

Whereas, West Texas highways would be used for the transportation of radioactive waste to Sierra Blanca, thus putting many residents along these routes at risk from a transportation accident; and

Whereas, precious underground water supplies for the region could be contaminated by this facility; and

Whereas, the proposed site is only 16 miles from the Rio Grande, thus endangering Mexican and U.S. residents who live downstream; and

Whereas, Sierra Blanca is a poor, 70% Hispanic community and studies have shown that toxic waste dumps are often sighted in poor minority communities; and

Whereas, four of the six existing low-level nuclear waste dumps have leaked radiation into the surrounding environment; and

Whereas, safer alternatives exist for the storage of nuclear waste such as above ground monitored retrievable storage.

Now therefore be it resolved, that the City of Brackettville, City Council oppose a nuclear waste dump in Sierra Blanca, Hudspeth County, Texas.

RESOLUTION

Whereas, the state of Texas has chosen Sierra Blanca, Hudspeth County, for the site of a low-level nuclear waste dump which would receive wastes from Texas, Maine, and Vermont and whereas the wastes will be toxic for thousands of years; and,

Whereas, the site of the nuclear dump is only 37 miles from El Paso County; and,

Whereas, a radioactive release from the project could threaten the residents of El Paso; and,

Whereas, precious underground water supplies for the region could be contaminated by this facility; and,

Whereas, the proposed site is only 16 miles from the Rio Grande, thus endangering Mexican and U.S. residents who live downstream; and,

Whereas, the growth pattern of El Paso is in the direction of Hudspeth County and whereas a nuclear waste dump will lead to devaluation of surrounding land resulting in a loss of tax revenue; and,

Whereas, Sierra Blanca is a poor, 70% Hispanic community and studies have shown that toxic waste dumps are often sighted in poor minority communities; and,

Whereas, five of the six existing low-level nuclear waste dumps have leaked radiation into the surrounding environment; and,

Whereas, safer alternatives exist for the storage of nuclear waste such as above ground monitored retrievable storage.

Now therefore, be it resolved, that the El Paso County Judge and County Commissioners oppose a nuclear waste dump in Sierra Blanca, Hudspeth County, Texas.

CITY OF MARFA: RESOLUTION 95–11

Whereas, the state of Texas, by action of the previous Governor of the State, did mandate the establishment of a nuclear waste dump site in an area of Far West Texas for the sole purpose of storing nuclear waste from the state of Texas, with pending permits for nuclear waste dumps and storage from the state of Maine and Vermont, and,

Whereas, no citizen or body of citizens in any jurisdiction of Far West Texas has ever had the opportunity to vote for or against the establishing of such waste site by the legal voting process which is the right of all citizens; and, which violates their sovereign rights as citizens of this State and the United States, and,

Whereas, these toxic wastes could affect the health and welfare of the present generation and all future generations; and the radioactive release from this project, and others of a like kind, could also affect all of the citizens of this area; and,

Whereas, there are no restrictions or requirements as to marking, labeling or illuminating for transportation of such waste either by highway or by rail to the Far West Texas site; and there are not speed limits nor are there restrictions as to convoy type movement of these wastes in place in any jurisdiction which is without regard for safety of its citizens as it passes through urban and rural areas to the dump site, and,

Whereas, the extremely limited water resources and underground water supply known to exist throughout this semi-arid represents the most precious commodity known to man and could be endangered by radioactive leakage, spillage or negligence in the total process of handling these potential dangerous materials and; therefore, must be protected at all costs and above all other considerations, and,

Whereas, without regard to any minorities, race, ethnic background, economic, status, population or any other group of concerned people since this is a universal concern involving the sovereign rights of all citizens which is to be protected by their government from radioactive nuclear waste of a toxic nature, and,

Whereas, our government's agencies must provide protection from all dangers involved in storage and disposal of such materials be it underground or above ground.

Now, Therefore be it resolved by the City Commission of the City of Marfa in Presidio County, Texas hereby opposes:

All nuclear waste dumps and dump sites within any area of far west Texas.

RESOLUTION: A RESOLUTION OF THE COMMISSIONER'S COURT OF JEFF DAVIS COUNTY, TEXAS OPPOSING THE PROPOSED NUCLEAR WASTE DUMP TO BE LOCATED IN SIERRA BLANCA, HUDSPETH COUNTY, TEXAS

Whereas, the State of Texas has chosen Sierra Blanca, Hudspeth County, for the site of a low-level nuclear waste dump which would receive wastes from Texas, Maine, and Vermont; and

Whereas, the wastes will be toxic for thousands of years; and

Whereas, a radioactive release from the project could threaten the residents of West Texas; and

Whereas, West Texas highways could be used for the transportation of radioactive waste to Sierra Blanca, thus putting many residents along these routes at risk from a transportation accident; and

Whereas, precious underground water supplies for the region could be contaminated by this facility; and

Whereas, the proposed site is only 16 miles from the Rio Grande, thus endangering Mexican and U.S. residents who live downstream; and

Whereas, Sierra Blanca is a poor, 70-percent Hispanic community and studies have shown that toxic waste dumps are often sited in poor minority communities; and

Whereas, four of the six existing low-level nuclear waste dumps have leaked radiation into the surrounding environment; and

Whereas, safer alternatives exist for the storage of nuclear waste such as above ground monitored retrievable storage.

Now, therefore, be it resolved by the Commissioner's Court of the County of Jeff Davis, Texas that: It hereby opposes a nuclear waste dump in Sierra Blanca, Hudspeth County, Texas.

RESOLUTION—NO. R: 95–67; A RESOLUTION OF THE COMMISSIONERS COURT OF PRESIDIO COUNTY OPPOSING THE PROPOSED NUCLEAR WASTE DUMP TO BE LOCATED IN SIERRA BLANCA, HUDSPETH COUNTY, TEXAS

Whereas, the State of Texas has chosen Sierra Blanca, Hudspeth County, for the site of a low-level nuclear waste dump which would receive wastes from Texas, Maine and Vermont; and

Whereas, the wastes will be toxic for thousands of years; and

Whereas, a radioactive release from the project could threaten the residents of West Texas; and

Whereas, West Texas highways could be used for the transportation of radioactive waste to Sierra Blanca, thus putting many residents along these routes at risk from a transportation accident; and

Whereas, precious underground water supplies for the region could be contaminated by this facility; and

Whereas, the proposed site is only 16 miles from the Rio Grande, thus endangering Mexican and U.S. residents who live downstream; and

Whereas, Sierra Blanca is a poor, 70% Hispanic community and studies have shown that toxic waste dumps are often sighted in poor minority communities; and

Whereas, four of the six existing low-level nuclear waste dumps have leaked radiation into the surrounding environment; and

Whereas, safer alternatives exist for the storage of nuclear waste such as above ground monitored retrievable storage.

Now, therefore, be it resolved by the Commissioners Court of Presidio County in Marfa, Texas, that: It hereby opposes a nuclear waste dump in any part of West Texas West of the Pecos River.

RESOLUTION NO. R: 95–67: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL RIO, TEXAS OPPOSING THE PROPOSED NUCLEAR WASTE DUMP TO BE LOCATED IN SIERRA BLANCA, HUDSPETH COUNTY, TEXAS

Whereas, the State of Texas has chosen Sierra Blanca, Hudspeth County, for the site of a low-level nuclear waste dump which would

receive wastes from Texas, Maine, and Vermont; and

Whereas, the wastes will be toxic for thousands of years; and

Whereas, a radioactive release from the project could threaten the residents of West Texas; and

Whereas, West Texas highways could be used for the transportation of radioactive waste to Sierra Blanca, thus putting many residents along these routes at risk from a transportation accident; and

Whereas, precious underground water supplies for the region could be contaminated by this facility; and

Whereas, the proposed site is only 16 miles from the Rio Grande, thus endangering Mexican and U.S. residents who live downstream; and

Whereas, Sierra Blanca is a poor 70% Hispanic community and studies have shown that toxic waste dumps are often isolated in poor minority communities; and

Whereas, four of the six existing low-level nuclear dumps have leaked radiation into the surrounding environment; and

Whereas, safer alternatives exist for the storage of nuclear waste such as above ground monitored retrievable storage.

Now, therefore, be it resolved by the City Council of the City of Del Rio, Texas, that: It hereby opposes a nuclear waste dump in Sierra Blanca, Hudspeth County, Texas.

Passed and approved on this 27th day of June 1995.

MEXICO-UNITED STATES: AGREEMENT TO COOPERATE IN THE SOLUTION OF ENVIRONMENTAL PROBLEMS IN THE BORDER AREA[1]

[Done at La Paz, Baja California, Mexico, Aug. 14, 1983]

Agreement between the United States of America and the United Mexican States on cooperation for the protection and improvement of the environment in the border area:

The United States of America and the United Mexican States,

Recognizing the importance of a healthful environment to the long-term economic and social well-being of present and future generations of each country as well as of the global community;

Recalling that the Declaration of the United Nations Conference on the Human Environment, proclaimed in Stockholm in 1972, called upon nations to collaborate to resolve environmental problems of common concern;

Noting previous agreements and programs providing for environmental cooperation between the two countries;

Believing that such cooperation is of mutual benefit in coping with similar environmental problems in each country;

Acknowledging the important work of the International Boundary and Water Commission and the contribution of the agreements concluded between the two countries relating to environmental affairs;

Reaffirming their political will to further strengthen and demonstrate the importance attached by both Governments to cooperation on environmental protection and in furtherance of the principle of good neighborliness;

Have agreed as follows:

ARTICLE 1

The United States of America and the United Mexican States, hereinafter referred to as the Parties, agree to cooperate in the field of environmental protection in the border area on the basis of equality, reciprocity and mutual benefit. The objectives of the present Agreement are to establish the basis for cooperation between the Parties for the protection, improvement and conservation of the environment and the problems which affect it, as well as to agree on necessary measures to prevent and control pollution in the border area, and to provide the framework for development of a system of notification for emergency situations. Such objectives shall be pursued without prejudice to the cooperation which the Parties may agree to undertake outside the border area.

ARTICLE 2

The Parties undertake, to the fullest extent practical, to adopt the appropriate measures to prevent, reduce and eliminate sources of pollution in their respective territory which affect the border area of the other.

Additionally, the Parties shall cooperate in the solution of the environmental problems of mutual concern in the border area, in accordance with the provisions of this Agreement.

ARTICLE 3

Pursuant to this Agreement, the Parties may conclude specific arrangements for the solution of common problems in the border area, which may be annexed thereto. Similarly, the Parties may also agree upon annexes to this Agreement on technical matters.

ARTICLE 4

For the purposes of this Agreement, it shall be understood that the ''border area'' refers to the area situated 100 kilometers on either side of the inland and maritime boundaries between the Parties.

ARTICLE 5

The Parties agree to coordinate their efforts, in conformity with their own national legislation and existing bilateral agreements to address problems of air, land and water pollution in the border area.

ARTICLE 6

To implement this Agreement, the Parties shall consider and, as appropriate, pursue in a coordinated manner practical, legal, institutional and technical measures for protecting the quality of the environmental in the border area. Forms of cooperation may include: coordination of national programs; scientific and educational exchanges; environmental monitoring; environmental impact assessment; and periodic exchanges of information and data on likely sources of pollution in their respective territory which may produce environmentally polluting incidents, as defined in an annex to this Agreement.

ARTICLE 7

The Parties shall assess, as appropriate, in accordance with their respective national laws, regulations and policies, projects that may have significant impacts on the environment of the border area, so that appropriate measures may be considered to avoid or mitigate adverse environmental effects.

ARTICLE 8

Each Party designates a national coordinator whose principal functions will be to coordinate and monitor implementation of this Agreement, make recommendations to the Parties, and organize the annual meetings referred to in Article 10, and the meetings of the experts referred to in Article 11. Additional responsibilities of the national coordinators may be agreed to in an annex to this Agreement.

In the case of the United States of America the national coordinator shall be the Environmental Protection Agency, and in the case of Mexico it shall be the Secretaría de Desarrollo Urbano y Ecología, through the Subsecretaría de Ecología.

ARTICLE 9

Taking into account the subjects to be examined jointly, the national coordinators may invite, as appropriate, representatives of federal, state and municipal governments to participate in the meetings provided for in this Agreement. By mutual agreement they may also invite representatives of international governmental or non-governmental organizations who may be able to contribute some element of expertise on problems to be solved.

The national coordinators will determine by mutual agreement the form and manner of participation of non-governmental entities.

ARTICLE 10

The Parties shall hold at a minimum an annual high level meeting to review the manner in which this Agreement is being implemented. These meetings shall take place alternately in the border area of Mexico and the United States of America.

The composition of the delegations which represent each Party, both in these annual meetings as well as in the meetings of experts referred to in Article 11, will be communicated to the other Party through diplomatic channels.

ARTICLE 11

The Parties may, as they deem necessary, convoke meetings of experts for the purposes of coordinating their national programs referred to in Article 6, and of preparing the drafts of the specific arrangements and technical annexes referred to in Article 3.

These meetings of experts may review technical subjects. The opinions of the experts in such meetings shall be communicated by them to the national coordinators, and will serve to advise the Parties on technical matters.

ARTICLE 12

Each Party shall ensure that its national coordinator is informed of activities of its cooperating agencies carried out under this Agreement. Each Party shall also ensure that its national coordinator is informed of the implementation of other agreements concluded between the two Governments concerning matters related to this Agreement. The national coordinators of both Parties will present to the annual meeting a report on the environmental aspects of all joint work conducted under this Agreement and on implementation of other relevant agreements between the Parties, both bilateral and multilateral.

Nothing in this Agreement shall prejudice or otherwise affect the functions entrusted to the International Boundary and Water Commission in accordance with the Water Treaty of 1944.

ARTICLE 13

Each Party shall be responsible for informing its border states and for consulting them in accordance with their respective constitutional systems, in relation to matters covered by this Agreement.

ARTICLE 14

Unless otherwise agreed, each Party shall bear the cost of its participation in the implementation of this Agreement, including the expenses of personnel who participate in any activity undertaken on the basis of it.

For the training of personnel, the transfer of equipment and the construction of installations related to the implementation of this Agreement, the Parties may agree on a special modality of financing, taking into account the objectives defined in this Agreement.

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[1][Reproduced from the text provided by the U.S. Department of State.

[The Memorandum of Understanding, referred to in Article 23 and which this Agreement supersedes, is reproduced at 17 I.L.M. 1056 (1978).

[An agreement between Canada and the United States concerning acid rain research appears at I.L.M. page 1017.]

ARTICLE 15

The Parties shall facilitate the entry of equipment and personnel related to this Agreement, subject to the laws and regulations of the receiving country.

In order to undertake the monitoring of polluting activities in the border area, the Parties shall undertake consultations relating to the measurement and analysis of polluting elements in the border area.

ARTICLE 16

All technical information obtained through the implementation of this Agreement will be available to both Parties. Such information may be made available to third parties by the mutual agreement of the Parties to this Agreement.

ARTICLE 17

Nothing in this Agreement shall be construed to prejudice other existing or future agreements concluded between the two Parties, or affect the rights and obligations of the Parties under international agreements to which they are a party.

ARTICLE 18

Activities under this Agreement shall be subject to the availability of funds and other resources to each Party and to the applicable laws and regulations in each country.

ARTICLE 19

The present Agreement shall enter into force upon an exchange of Notes stating that each Party has completed its necessary internal procedures.

ARTICLE 20

The present Agreement shall remain in force indefinitely unless one of the Parties notifies the other, through diplomatic channels, of its desire to denounce it, in which case the Agreement will terminate six months after the date of such written notification. Unless otherwise agreed, such termination shall not affect the validity of any arrangements made under this Agreement.

ARTICLE 21

This Agreement may be amended by the agreement of the Parties.

ARTICLE 22

The adoption of the annexes and of the specific arrangements provided for in Article 3, and the amendments thereto, will be effected by an exchange of Notes.

ARTICLE 23

This Agreement supersedes the exchange of Notes, concluded on June 19, 1978 with the attached Memorandum of Understanding between the Environmental Protection Agency of the United States and the Subsecretariat for Environmental Improvement of Mexico for Cooperation on Environmental Programs and Transboundary Problems.

Done in duplicate, in the city of La Paz, Baja California, Mexico, on the 14th of August of 1983, in the English and Spanish languages, both texts being equally authentic.

Mr. SCHAEFER. Mr. Speaker, I yield 5 minutes to the gentleman from Texas [Mr. FIELDS], the sponsor of the legislation.

(Mr. FIELDS of Texas asked and was given permission to revise and extend his remarks.)

Mr. FIELDS of Texas. Mr. Speaker, I rise in support of H.R. 558, a bill I introduced to provide the consent of Congress to the Texas low-level radioactive waste disposal compact. As most of us know, the legislatures of Texas, Maine, and Vermont—the States composing this compact—approved this legislation overwhelmingly.

As we consider H.R. 558 today, I would like to make four simple points:

First of all, we should pass this legislation out of recognition of the accomplishment of the States of Texas, Maine, and Vermont for their responsiveness in doing just what Congress asked them to do. In 1980, Federal legislation was passed which established a low-level radioactive waste policy that placed the responsibility within the States for the disposal of low-level radioactive waste. In 1985, further amendments were passed in Congress reinforcing this policy and providing incentives to States to form these compacts. Therefore, after they have done their job of passing this compact in all three State legislatures, we should do our job and act promptly to approve this resulting compact agreement. In response to Congress' entreaty, nine compacts have already been formed and approved, including 42 States; this compact will bring the total to 10 compacts covering 45 States.

Second, our role is to be sure that the compact comports with the underlying Federal law from which it derives and not to preside over controversies that may be local in nature, which are the responsibility of the local authorities. Simply put, Mr. Speaker, our responsibility is to be sure that the three State legislatures were consistent with the underlying Federal law when they passed this compact and not to arbitrate over local issues such as site selection. That is a matter for the States, and it would be intrusive of us to assume the authority unto ourselves. The compact implicitly defers questions on these matters to the Texas Legislature, the Texas Low-Level Radioactive Waste Disposal Authority, the Texas Water Commission, and other State agencies.

Third, this compact has already received a hearing before the Commerce Subcommittee on Energy and Power on May 11. Subsequently, the subcommittee approved the compact by a voice vote. Shortly thereafter, the full Commerce Committee approved H.R. 558 by a vote of 41 to 2. The compact remains the same, the underlying Federal legislation remains the same, and therefore I would urge my colleagues to support this bill so that the three States in question can perform their responsibilities and proceed to develop a site to responsibly dispose of low-level radioactive waste.

Last of all, Mr. Speaker, I would like to point out that this legislation is in the best interest of all three States, but particularly for my State of Texas. By forming this compact, Texas avoids the risk of being forced to take waste from other States which would generate much larger amounts of low-level waste. Under the compact, Texas has full control of the site, development, operation and management, and closure of its low-level waste disposal facility. Furthermore, with our State's leadership in such areas as research and medical activities, which use low-level radioactive materials at our academic and health institutions, it is in our best interest to responsibly provide for the disposal of the constant wastes from those activities and take a leadership role in planning for our future.

This responsible action was reflected in the approval of the compact by the Texas House of Representatives by a voice vote and the Texas Senate by a vote of 26 to 2.

In summary, Mr. Speaker, there is no legitimate reason to delay an approval at the Federal level any longer.

Mr. BRYANT of Texas. Mr. Speaker, I yield 6 minutes to the gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Speaker, I strongly oppose this compact. This plan causes me, it causes many people in the city of Austin and across the State of Texas, the gravest concern. Though a new Member here, I had understood there was at least some tradition of giving a certain degree of deference to the Members in whose district a project of this type is going to be located.

I have listened to the eloquent comments of the gentleman from El Paso, TX [Mr. COLEMAN] who has fought steadfastly, along with his staff, to resist this compact, to try to block it. I have listened to the very telling comments today of my colleague from Texas, a fellow Texan, Mr. BONILLA, in whose district this particular project would be sited. And I think what they say has a considerable degree of merit.

My district, the city of Austin and Travis County, is halfway across Texas from where this project will be located. Hundreds of miles. But I can tell you that the people of central Texas are every bit as concerned about this as are the people of Sierra Blanca or the people of El Paso.

I believe that I have now received a total of 1,415 communications from people in Travis County, TX, expressing opposition to the location of this dump; and, oh, by the way, six people who said they were for locating it at this point and approving this compact. What these people kept saying is the same thing that the Austin City Council said when it voted 5 to nothing against this compact, and that is do not make Texas the dumping ground for this Nation.

Mr. Speaker, let us acknowledge from the beginning that when Congress passed this piece of legislation, the 1986 Low Level Radioactive Policy Act, it was planning on agreements that did not look anything like the one we are taking up here today. When it referred to a regional compact, it has in mind just that, a region, because there would be less danger of spills and other problems if you localize the nature of the disposal.

Well, we in Texas have a rather big idea of our State. I have even heard some Texas talk about Colorado as north Texas, and indeed when we declared our independence in 1936, it was north Texas. But I have yet to see the

most boastful Texan ever suggest that Maine and Vermont were in the region of Texas.

There is good reason for everyone and not just Texans, boastful or otherwise, to be concerned about this compact. Because to get from here to there, to get from Maine and Vermont to Texas, you are going to have to cross a little of these United States. So if you represent Ohio or New Jersey or New York or Kentucky or Tennessee or Arkansas, or any number of other States, you have every reason to be concerned about what happens when this highly toxic radioactive waste is transported across your State and across your district.

Though this compact has been lobbied through the Texas Legislature very successfully as a way to limit the dump in the State of Texas, exactly the opposite is going to happen. There is absolutely no reason that the commissioners of this compact cannot get together without any input from the people in Sierra Blanca or in El Paso or in Austin or in this U.S. Congress and expand the compact to include every State in the Nation. Under the definition of ''region'' being used here, there is no more basis for excluding New York or California than there is for including Maine and Vermont. Texas could well become the place where all of this toxic waste from around the country is located.

□ 1800

Mr. Speaker, there are already proposals up talking about mixing radioactive waste, low-level radioactive waste, with other types of toxic waste once this compact is ratified. Other States and economic pressures are going to cause this compact to include other States and have Texas be a dumping ground.

The Hudspeth County site that has been chosen in the district of the gentleman from Texas [Mr. BONILLA] raises a number of safety concerns. Seepage of radioactive waste into ground water supplies has been a problem with other dump sites. This is just a few miles from the Rio Grande River which provides a water supply to all of the southern border of the big State of Texas.

I agree that we also need to set a good example for our neighbor to the south, Mexico. Can Members imagine the uproar, the outrage on the floor of this Congress if Mexico was talking about locating a radioactive waste dump right on the border next to the United States? We would hear one Member after another denounce that kind of operation.

But that is precisely what we are doing at the same time we are seeking the involvement of the people of Mexico and their government in cleaning up other kinds of environmental damage all along the border from San Diego, CA to Brownsville, TX. This is a step that really works against our national interest all along the border on a wide range of environmental issues.

An earthquake. Well, most people associate those with San Francisco or California. Yet, as my colleague the gentleman from Texas [Mr. BRYANT] who has also fought so ably against the compact pointed our earlier, we just had one of 5.6 on the Richter scale within a relatively short distance of this Sierra Blanca site back in April when this measure was being considered here in Congress.

Mr. Speaker, this is a deeply flawed plan. This is a facility that will house waste not just for a few years but for a few millennia. Do not make the Lone Star State the Lone Dump State. Vote against this legislation.

Mr. BRYANT of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from El Paso, TX [Mr. COLEMAN].

Mr. COLEMAN. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, let me only add to what I was saying a little bit before. I wanted to hit a couple of points that may have been lost because we did not get to them.

One certainly was concerning the volume of waste. I know that that is not an issue that a lot of people concern themselves with, but let me tell the Members what this compact that we are voting on says, very simply.

Texas accepts responsibility for both management and disposal as described in article 1, section 1.01. Management is defined as ''collection, consolidation, storage, packaging or treatment.'' Treatment, however, is not defined in this agreement. I hope that is just not an oversight of the committee.

It is generally accepted, as I understand it, in terms of the committee's understanding of it as including incineration? I think so. Incineration reduces the volume of the waste but not the level of radioactivity. It is not like other kinds of waste disposal sites that Members may be thinking of. Thus, less volume of waste will be disposed of at the site but at a greater level of radioactivity.

Yet, what happens in the agreement that is unclear if waste imported from other States but incinerated in Texas is counted under the Texas portion of the nonhost allotment? Article iii, section 3.04(11) says: ''The shipments of low-level radioactive waste from all nonhost party States shall not exceed 20 percent of the volume estimated to be disposed of by the host State during the 50-year period.''

Shipment volumes are tied exclusively to disposal estimates. The compact is silent on how much volume can be shipped for management.

Why is that? We did not care? It did not matter? That is out in the little old town, mainly Hispanic community, called Sierra Blanca in west Texas, right? Is that why we did not care?

I think there are a lot of us that have some very serious questions about this legislation. Were it not placed on a suspension provision under the rules, we could actually be able to amend it in a way that perhaps we could all be supportive.

Unfortunately, the State legislature has failed to recognize the tenuous dilemma these technical flaws have placed on us. That is on whom we rely. We should not be doing that for the health and welfare of American citizens.

Mr. BRYANT of Texas. Mr. Speaker, I yield myself such time as I may consume.

(Mr. BRYANT of Texas asked and was given permission to revise and extend his remarks.)

Mr. BRYANT of Texas. Mr. Speaker, while those of us from Texas are understandably voicing the great anxiety of the people of our State and the particular region in which this is to be located, of far greater importance to the listeners to this debate within the House is the enormous threat to the national interest that is posed by this compact. The gentleman from Texas [Mr. FIELDS] said a moment ago, there have already been nine of those that have been approved, but there have not been nine of these kinds of compacts that have been approved.

There have not been any compacts approved where we are putting a low-level nuclear waste dump in an earthquake zone. There have not been any compacts approved where we have put a low-level nuclear waste dump 14 miles from a river that serves the farms and ranches and the drinking water for millions of people. And there have not been any low-level nuclear waste dumps approved which would invite the neighboring country, which will no doubt take great offense at this decision, to begin locating its undesirable entities and dumps right on the river, right on the border, right across from the United States.

The gentleman from Texas [Mr. DOGGETT] asked the right question a moment ago. Is it not obvious how we would feel if the Mexican Government was going to locate a nuclear waste dump 14 miles from the Rio Grande River on the other side? We would be up in arms about it. Yet we are going to sit back here, if we do as these gentlemen have asked us, and approve this.

They are going to get up in a moment and say, oh, siting decisions are not the province of the U.S. Congress. Well, generally I would agree. Siting decisions within a State, that is pretty much up to the State.

But if a siting decision has international foreign policy implications, if a siting decision would subject the people of the United States to enormous financial liability because of the irresponsibility of the decision, then that is a situational where we should exercise our constitution authority and responsibility and say, ''No, we are not going to approve a compact like this. Take it back and start over.'' That is all that we are asking for.

Mr. COLEMAN. Mr. Speaker, will the gentleman yield?

Mr. BRYANT of Texas. I yield to the gentleman from Texas.

Mr. COLEMAN. Mr. Speaker, let me just say respecting our binational agreements is pretty important. I have been told over and over again in hearings throughout the last decade that the agreement that President Ronald Reagan made with the President of Mexico was not a treaty, and that is absolutely right. Nonetheless, many of us respect agreements made by our Presidents. In fact, I think it is the responsibility of the U.S. Congress, not the State legislature, to see to it that we respect those agreements and live up to them.

The La Paz Agreement, under article 2, said very simply that the Governments of Mexico and the United States were directed to the fullest extent practicable to adopt appropriate measures to prevent, reduce, and eliminate sources of pollution in their respective territory which affect the border area of the other. Article 7 stated that the two governments shall assess as appropriate projects that may have significant impacts on the border area.

I have placed into the RECORD with my motion to revise and extend the objections of the Mexican Government and diplomatic note to the United States. That is not the responsibility of the State of Texas. We are a State that is in this Union. That is the responsibility of this Congress to see to it that we respond in an appropriate fashion.

I can just tell the Members that my colleague from Texas is absolutely right. The United States would not put up with it if it was within 100 kilometers, as the La Paz Agreement states we were to have the dumping of radioactive waste by the Government of Mexico.

Mr. BRYANT of Texas. Mr. Speaker, I thank the gentleman for his additional comments. I would emphasize once again, we are not talking about a simple siting question that makes some people happy and some unhappy. We are talking about a siting question that subjects this country to enormous liabilities.

In 1931, 40 miles from this site, there was an earthquake that registered 6.4 on the Richter scale. Sixty-five years ago is just yesterday in geologic time. In April of this year, just 2 months before this thing was marked up in committee, there was an earthquake in the same region that measured 5.6 on the Richter scale. Can anybody argue that we ought to let States locate nuclear waste dumps in earthquake zones right next to an international boundary and on a river that serves millions of people, who if harmed will be in the courthouse asking the taxpayers of this country to pay for the harm that they suffered? I do not think we can make that argument.

Today the gentleman from Texas [Mr. COLEMAN] and I and the gentleman from Texas [Mr. DOGGETT] and the gentleman from Texas [Mr. BONILLA] stand on the floor of the House and ask this House of Representatives to make a decision that is in the interest of the American people, and say to the States of Texas, Maine, and Vermont, go back and do it again. We may approve the next one and we may not, but for goodness sakes do not send us one that is in an earthquake zone.

Mr. SCHAEFER. Mr. Speaker, I yield myself such time as I may consume.

I would just say that our colleague, the gentleman from Texas [Mr. FIELDS], should be commended for this efforts to move this bill forward in a very fashionable, responsible, and timely manner.

I would like to thank the gentleman from New Jersey [Mr. PALLONE], the ranking member of the Subcommittee on Energy and Power, for his support in moving this very reasonable measure through the House of Representatives.

Mr. Speaker, I yield the balance of my time to the gentleman from Texas [Mr. FIELDS] to close debate.

Mr. FIELDS of Texas. Mr. Speaker, I will be fairly brief.

The purpose of a law passed by Congress is to allow States to make decisions for themselves, to make decisions relative to siting. That decision has been made. It is a decision that has been reviewed by the Texas Low-Level Radioactive Waste Compact Commission. It has been reviewed by the Texas Water Commission. The Texas legislature has voted on this. I stand here with a letter from Governor George Bush. It is factual to say that former Governor Ann Richards supported this. I stand here with a letter from Lieutenant Governor Bob Bullock, I stand here with a letter from Mickey LeMater of the M.D. Anderson Cancer Institute talking about the need for Congress to move forward.

Is there a benefit to the State? The answer is absolutely. That if the State of Texas had not itself moved forward, then Texas would have been subject to becoming the dumping ground for the rest of the country. We would not have had the ability or have the ability to pass laws restricting the low-level nuclear waste coming in to our particular State. This is a decision that has been made by Texans for Texans in the best interest of our particular State. I urge all of my colleagues to support this piece of legislation.

PARLIAMENTARY INQUIRY

Mr. COLEMAN. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. FOLEY). The gentleman will state it.

Mr. COLEMAN. Mr. Speaker, it has been some time since I have done a suspension on the floor and I am unsure how we can assure a record vote. At what time should that request be made?

The SPEAKER pro tempore. We will have that in just a moment.

The question is on the motion offered by the gentleman from Colorado [Mr. SCHAEFER] that the House suspend the rules and pass the bill, H.R. 558.

The question was taken.

Mr. BONILLA. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

GENERAL LEAVE

Mr. SCHAEFER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 558, the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

Mr. COLEMAN. Reserving the right to object, Mr. Speaker, not on that issue but only to make sure that we have in fact ensured that we will have a vote. I thought we needed to ask for the yeas and nays. If that was done in dissimilar fashion, that is fine, but I just was inquiring.

The SPEAKER pro tempore. The yeas and nays have not been ordered on that motion. It would be put to a vote tomorrow afternoon at some point.

Mr. COLEMAN. I thank the Speaker, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

PERMISSION FOR SUNDRY COMMITTEES AND THEIR SUBCOMMITTEES TO SIT TOMORROW, TUESDAY, SEPTEMBER 19, 1995, DURING THE 5-MINUTE RULE

Mr. BONILLA. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit tomorrow while the House is meeting in the Committee of the Whole House under the 5-minute rule.

The Committee on Banking and Financial Services; the Committee on Commerce; the Committee on Government Reform and Oversight; the Committee on International Relations; the Committee on the Judiciary; and the Committee on Resources.

It is my understanding that the minority has been consulted and that there is no objection to these requests.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

□ 1815

Mr. PALLONE. Mr. Speaker, reserving the right to object, the Democratic leadership has been consulted and we have no objection to these requests.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. FOLEY). Is there objection to the request of the gentleman from Texas?

There was no objection.

POINT OF ORDER

Mr. BRYANT of Texas. Mr. Speaker, I rise to make a point of order.

The SPEAKER pro tempore (Mr. FOLEY). The gentleman from Texas will state his point of order.

Mr. BRYANT of Texas. Mr. Speaker, we made very clear our intention to ask for a record vote on that. At the time the gentleman from Texas [Mr. BONILLA] stood up on the compact commission matter, he raised a point of order that a quorum was not present and that did not lock in a record vote. The gentleman from Texas [Mr. COLEMAN] specifically asked what action he was supposed to take to lock in a record vote.

Mr. Speaker, I would ask the Chair to grant us our motion for the yeas and nays to be ordered on H.R. 558.

Mr. BONILLA. Mr. Speaker, I ask unanimous consent to revise my point that I made earlier and ask for the yeas and nays.

The SPEAKER pro tempore. Without objection, the yeas and nays are ordered.

There was no objection.

The SPEAKER pro tempore. Pursuant to clause 5 of rule 1, further proceedings on this motion will be postponed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1617, CONSOLIDATED AND REFORMED EDUCATION, EMPLOYMENT, AND REHABILITATION SYSTEMS ACT (CAREERS ACT)

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 104–249) on the resolution (H. Res. 222) providing for the consideration of the bill (H.R. 1617) to consolidate and reform work force development and literacy programs, and for other purposes, which was referred to the House Calendar and ordered printed.

FISHERY CONSERVATION AND MANAGEMENT AMENDMENTS OF 1995

The SPEAKER pro tempore (Mr. FOLEY). Pursuant to the order of the House of today and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 39.

□ 1816

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 39) to amend the Magnuson Fishery Conservation and Management Act to improve fisheries management, with Mr. GOODLATTE in the chair.

The CHAIRMAN. Pursuant to the order of the House of today, the bill is considered as having been read the first time.

The gentleman from Alaska [Mr. YOUNG] will be recognized for 30 minutes and the gentleman from Massachusetts [Mr. STUDDS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a unique period of time that we are faced with during this session. We have a bill that has been heard by the committee and we have worked on this bill for approximately 3½ years now. It is H.R. 39, the Fisheries Conservation and Management Amendments of 1995, which I sponsored, along with my good friend, the gentleman from Massachusetts [Mr. STUDDS].

Mr. Chairman, I rise in strong support of H.R. 39, the Fishery Conservation and Management Amendments of 1995, which I sponsored.

Mr. Chairman, this legislation, as you will see, enjoys broad, bipartisan support from members of the Resources Committee and those members from coastal districts with fishing interests. For this bill to have come this far shows the bipartisan effort involved in the development of the bill. I want to thank Subcommittee Chairman SAXTON, GERRY STUDDS, and GEORGE MILLER for their leadership in addressing the difficult issues in this important legislation.

This reauthorization of the Magnuson Fishery Conservation and Management Act of 1976 is crucial to continuing the sound management of this Nation's fishery resources. If Members take nothing else away from this debate, remember, this legislation is supported by Members on both sides of the aisle, by the fishing industry, and by the environmental community.

This has been no small feat, and while some may not be entirely happy with the legislation, reauthorization of this act is very important to us all.

Mr. Chairman, during the 103d and 104th Congresses, 10 hearings on reauthorization issues were held. This legislation represents an attempt to address the concerns raised at these hearings. This legislation may not be perfect; however, fisheries management is a complicated balancing act. We have attempted to address the concerns raised by commercial fishermen, recreational and charter boat fishermen, environmental organizations, fishing communities, fish processors, and other interested groups.

The Magnuson Act was enacted in 1976 in direct response to the depletion of U.S. fishery resources by foreign vessels. The Magnuson Act expanded U.S. jurisdiction over fishery resources to 200 miles. The Act also included provisions intended to encourage the development of a domestic fishing industry.

The act created eight Regional Fishery Management Councils to manage the fishery resources within their geographic area. The Councils were charged with determining the appropriate level of harvest to maximize the benefit to the Nation while still protecting the long-term sustainability of the stocks.

This means the Councils must balance the often competing interests of commercial and recreational fishermen, and the often competing gear groups within the commercial industry.

It is important to note that the committee continues to strongly support the current Regional Fishery Management Councils system. This legislation includes some reforms of the Council process and requires new disclosure rules to deal with the perception of conflict of interest on the Councils.

While this legislation deals with the fishing industry, it is environment friendly. In fact, you have probably received or will receive letters of support from many of the national environmental groups. We think that we have crafted a bill which will allow fishermen to make a living from the sea while also making them better stewards of the resources they rely on for their livelihood.

Three major areas needed to be addressed in this reauthorization to maintain healthy fisheries and healthy fishing communities. For the domestic fishery resource to remain healthy, fishery managers must take steps to reduce bycatch and the mortality of discards in the fisheries, to prevent the overfishing of stocks and rebuild those stocks which are already overfished, and, finally, to protect habitat essential for the continued renewal of the fisheries.

The reduction of bycatch in our fisheries is one of the most crucial challenges facing fisheries managers today. In the North Pacific groundfish fishery alone, more than 740 million pounds of fish were discarded, in 1993. That represents 16 percent of the total catch of the fishery. Much of that discard is of prohibited species. It is clear that this is unacceptable. We hope that the requirements of this bill will help Councils address the problem of bycatch, and we hope that fishermen will respond with innovative methods of reducing bycatch.

In particular, this legislation requires the Regional Fishery Management Councils to amend all existing Fishery Management Plans to reduce bycatch to the maximum extent practicable. It also provides the Councils with the ability to offer incentives to fishermen to reduce their bycatch.

A second area of concern is the protection of essential habitat. This has been a tough issue to wrestle with. We do not want to over-regulate the fishing industry; however, the Councils

and the National Marine Fisheries Service should include in their Fishery Management Plans a description of what habitat is essential for the continued health of the fishery.

The third area of change is to address the problem of those stocks which are already overfished or may be in danger of overfishing. This legislation requires the Secretary to report to Councils if any stock is approaching a condition of being overfished. This proactive identification of overexploited stocks will enable the Councils to take steps to keep the stocks from crashing. The bill also requires that Councils implement a rebuilding plan for any stock which is already overfished. If the Council is not able to implement a plan within one year, the Secretary is then required to implement a plan.

Mr. Chairman, one of the most contentious issues that we have worked on this year has been the use of a limited access management system known as Individual Transferable Quotas [ITQ's]. This type of management system allocates a percentage of the harvest to vessels based on past history in the fishery, current level of harvest, and several other criteria. Since 1990, three fisheries have already turned to ITQ's as the preferable management option, the latest being the halibut/sablefish plan in the North Pacific.

The use of ITQ's has been hotly debated at the Council level and now at the national level. I believe that there are many issues yet to be resolved on the use of ITQ's as a management tool.

There are those who argue that this bill kills any chance of ever enacting another Individual Transferable Quota [ITQ] plan. It does not. It puts the brakes on the headlong rush to enact ITQ plans for all fisheries without examining other limited access options. I have heard of movements to manage a number of fisheries under ITQ plans including: Pacific crab stocks, Bering Sea groundfish, New England lobster, Gulf of Mexico red snapper, Atlantic bluefin tuna, and swordfish. I believe that there are those at the National Marine Fisheries Service who have been advocating the use of ITQ's for all fisheries and I think this should stop.

This bill makes it clear that ITQ's are a tool that the Councils can use, but clarifies that the quota shares are not property rights and do not convey a permanent right to the resource.

Some ITQ proponents do not like the guidelines we have put in this legislation. This debate has been going on for more than 2 years and will probably continue after this bill is passed by the House and the debate turns to the Senate, which is currently working to move similar reauthorization legislation.

I think these guidelines bring some rationality to ITQ management systems.

Mr. Chairman, the problem of overcapitalization is another issue which has been debated by many of our Members for years. You will hear the phrase that ''there are too many boats chasing too few fish'' quite a bit today. It is especially true in some areas of the country like New England.

We have worked hard to create a vessel buy-out program which does not require huge expenditures of taxpayer money. This program is a delicate compromise that I want to thank GERRY STUDDS and his staff for working on so diligently. The program allows a buy-out fund to be initially capitalized from already appropriated Federal programs such as fisheries disaster programs. The fund will then be used to bring the size of fishing fleets to a rational number. Those vessels which remain in the fishery and benefit from the reduction in fishing effort will then repay the fund over a 15-year period. This is a compromise which works, and which will not bankrupt the Federal Government nor the fishing industry.

Mr. Chairman, this is a good bill, and one that has taken 3 years to develop. It is full of compromise, yet does not compromise on maintaining the health of the resource—which should be the goal of everyone here.

Mr. Chairman, I reserve the balance of my time.

Mr. STUDDS. Mr. Chairman, I yield myself such time as I may consume.

(Mr. STUDDS asked and was given permission to revise and extend his remarks.)

Mr. STUDDS. Mr. Chairman, hard as it may be to believe, given the youthfulness and vigor of the gentleman from Alaska [Mr. YOUNG] and myself, it was 20 years ago on the floor of this House that the gentleman and I, and others, fought for passage of the original act to secure U.S. jurisdiction and management authority over fisheries within 200 miles of our shores. Today, we continue that battle to save our fisheries.

Mr. Chairman, the problem we faced then was that foreign fisherman were decimating our stocks from Maine to Alaska, leaving little if any fish for our own industry. We sought to push those fishermen out, promote the development of the U.S. capacity to harvest these valuable fisheries and establish a responsible conservation and management regime that would ensure the long-term sustainability of the resources and our industry.

American fishermen now have the technology and the capacity to harvest every fish available in U.S. waters. This advanced technology, overcapitalization, and the lack of political will to make tough management decisions have caused many stocks to face crises similar to the situation in the 1970's that spurred the passage of the original act. This time, however, there are no foreign fleets to blame.

In New England for example, years of overfishing have pushed groundfish landings to an all-time low—even lower than when we were competing with foreign fleets. Haddock is commercially extinct; cod and yellowtail are close behind. A $200 million industry is on the verge of collapse and with it will go tens of thousands of jobs. Yet, unbelievably, the New England Fishery Management Council last week chose no action as one of the five options it will consider to address this tragedy. Serious action must be taken, and soon, or we will save neither the fish nor the fishermen.

While the situation in New England is the most severe, it is not unique. The National Marine Fisheries Service tells us that 40 percent of the fisheries for which we have data are being harvested at a biologically unsustainable rate, and another 43 percent are fully exploited. We must act now, and assert without reservation that no action is not an acceptable alternative. Otherwise, we may force other fisheries around the country into their own New England-style crisis. That would mean the collapse of an industry that pumps $50 billion into the national economy and creates hundreds of thousands of jobs.

The bill we are considering today takes many significant actions to strengthen the Magnuson Act. First, and, perhaps most importantly, it seeks to bring an end to overfishing. No fishery should be harvested at a biologically unsustainable rate. The bill requires the regional Fishery Management Councils to establish baselines by which to measure overfishing. In cases where stocks are in decline, timelines for action by the Councils are explicitly spelled out; no action will no longer be an alternative. If the Councils still fail to act, the Secretary of Commerce will be required to do so. At the appropriate time the gentleman from Maryland [Mr. GILCHREST] will offer an amendment to strengthen this provision even further. I plan to support the amendment, and I urge other Members to do the same.

Second, the bill seeks to reduce the bycatch and waste of economically undesirable or prohibited species which account for the mortality of hundreds of millions of pounds of fish each year—fish that one person may want to discard but another may intend to harvest. For every management plan, the Councils will be required to adopt measures that minimize bycatch, such as gear restrictions, time and area closures, and incentives for fishermen to avoid nontarget fish. We can not afford to overfish the species we intend to catch, and we must also reduce the incidental take of these nontarget species.

Third, the bill seeks to improve the habitats that are essential to the productivity of more than 75 percent of our fish and shellfish landings. Even if we address overfishing, the environmental community and the fishing industry agree that continued habitat loss could be catastrophic. The bill requires fishery managers to identify areas that are important fish habitat to ensure that they are protected. In

addition, it encourages Councils to promote fishing practices that minimize habitat damage.

The bill also establishes a mechanism to allow a fishing industry to reduce the overcapitalization of its fleet, reduce pressure on fisheries stocks and make remaining boats more profitable. The chairman and I worked together on this effort, which is essentially a loan program for the fishing industry paid for by those in the fleet who remain and benefit from a healthier resource. This program will be an important part of the recovery effort in New England, and I thank the chairman for his support.

Finally, the bill represents something that is so rare in these Chambers of late—a bipartisan effort to protect our natural resources, and in turn benefit our economy. Without healthy fisheries, communities around the country that depend on them will soon face the economic hardships I see now in my district. For that reason, I urge Members to support this bill and oppose any efforts to weaken it. That will help us keep our fish and shellfish bountiful and self-sustaining, and hold out some hope of keeping family fishermen productive and prosperous, and alive and well.

□ 1830

I thank the gentleman from Alaska. It is a pleasure to work with him for an embarrassing number of years.

Mr. Chairman, I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

May I suggest nothing has been embarrassing. We have worked well over these years, and only the length of time that he and I have served.

May I suggest that his area has been hardest hit. We thought we were doing great things in 1976, and we did. We worked to try to Americanize our fleet. Unfortunately, along the line, we did some things, or they did some things, that have damaged our fishing areas around our Nation very harmfully, ''they'' being our ownselves. So we have to address this legislation. This is a step in the right direction.

Mr. STUDDS. If the gentleman will yield, would the gentleman agree with me, if we are successful in strengthening the act, we should consider renaming it?

Mr. YOUNG of Alaska. No.

Mr. STUDDS. The gentleman still does not like the ''Young-Studds?''

Mr. YOUNG of Alaska. I do believe the gentleman from Guam would like to enter a colloquy before we get in trouble.

Mr. STUDDS. Mr. Chairman, I yield 2 minutes to the gentleman from Guam [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Chairman, I would like to engage the chairman of the Committee on Resources in a colloquy. Mr. Chairman, during the committee markup of H.R. 39 in the Committee on Resources, I had prepared an amendment that I had voluntarily withdrawn that would have assisted the insular territories in developing their fishery resources. My amendment would allow the licensing of foreign fishing vessels to allow fishing within the 200-mile exclusive economic zones surrounding the insular areas. The funds derived from the licensing fees would be used to assist the territories in conserving and managing these fishery resources. I had withdrawn this amendment in order to allow time for the majority and minority to work collaboratively to find areas of agreement. Mr. Chairman, during the committee markup you stated your commitment to assisting the territories in developing their fishery resources and you also stated your support of an amendment that would return the benefits of this development to the territorial governments. We have been working with the majority and minority staffs to craft an acceptable compromise amendment. Would the chairman support an amendment along these lines?

Mr. YOUNG of Alaska. If the gentleman will yield, I am pleased to restate my commitment to the gentleman from Guam in support of his efforts to allow some development of the territory's fisheries resources and allow any benefits from the licensing of foreign fishing vessels to accrue to the territories for conservation and management of the fisheries resources. I understand this amendment is being worked through the committee, with my staff and your staff, and, hopefully, we will arrive at a conclusion that will be beneficial to both of them. The merits of his amendment are strongly supported by the chairman.

The one reservation we have, we will have to make sure of how the license fees will be utilized for the territory, and we are attempting now to work it out where it goes to the fisheries improvement area.

I have been in your area, and I have seen some of the actions by some of the foreign countries which you get no benefit from. I think that goes totally contrary to the Magnuson Act. I would support it with work on the amendment.

Mr. UNDERWOOD. I appreciate the gentleman's sensitivity on that.

Mr. METCALF. Mr. Chairman, I rise in opposition to H.R. 39, the Fisheries Conservation and Management Act.

This legislation would reauthorize and amend the Magnuson Act, which provides for the conservation and management of U.S. fishery resources and the development of U.S. domestic fisheries.

I am rather familiar with the gentleman for whom much of this Nation's fishing law is named, former Senator Magnuson. I ran against him when he was reelected to the U.S. Senate in 1968 and 1974. We were adversaries then, but we might have had similar opinions on these proposed changes to fisheries law.

Mr. Chairman, this is a bad bill. It's bad for the State of Washington, it's bad for fisheries conservation and it's bad for the working men and women who make their living from the resources of the sea. I strongly believe these family wage jobs must be protected.

Mr. Chairman, many of my constituents are alarmed at the potential impact of this legislation. Their voices must be heard. Thus, I would like to submit for the RECORD, immediately following my statement, some of their concerns. The first attachment is a critique prepared by members of the fishing community who will be directly affected by this flawed legislation. The second attachment is a report that examines the IFQ program for halibut and sablefish and its record in regards to crew safety and bycatch utilization issues.

These issues deserve careful consideration as Congress debates the future of fishing law. The livelihoods of fishing families depend on the outcome of these deliberations.

H.R. 39—A CRITIQUE

H.R. 39, the Fishery Conservation and Management Act Amendments of 1995, is bad legislation. The bill does not provide fisheries managers with the tools that are needed to resolve the most fundamental challenges to the sustainability of our nation's fisheries. The enactment of H.R. 39 would ensure that excessive harvesting and processing capacity, waste of target and non-target species, misallocation of resources among user groups, and severe risks to life and property at sea would continue to plague our fisheries.

INDIVIDUAL TRANSFERABLE QUOTAS

The legislative scheme proposed by H.R. 39 establishes unwarranted, unprecedented, and probably insuperable, procedural and substantive hurdles to the establishment and maintenance of ITQs, but not to the viability of any other limited entry systems or fishery management measures. The scheme would not only make promising new individual quota systems highly improbable, but also effectively destroy the successful, existing programs. For many fisheries, including crab and groundfish of the Bering Sea/Aleutian Islands, ITQs represent the single most effective means of reducing excessive fishing capacity, thus ending the wasteful and deadly race for fish, and greatly improving conservation, saving lives, and increasing the economic return for fishermen and their communities.

Provisions of H.R. 39 that work against individual quotas are as follows:

1. A new national ''review panel'' is to be established to provide recommendations to the Secretary of Commerce. Based on those recommendations, new regulations would have to be promulgated, before any new ITQ program could be implemented. This scheme requires a new layer of bureaucracy and a new set of regulatory burdens, dilutes the role of local industry and the regional approach to fisheries management, and delays the implementation of new ITQs. At the earliest, ITQ regulations would not be promulgated until September 30, 1998. Page 53, line 1-page 57, line 2.[1]

The national review panel should be deleted.

2. The Secretary of Commerce is provided unique authority, unilaterally and without reference to identified procedures and rational standards, to revoke or limit any individual quota (not only for violations, but also for other reasons as determined by the Secretary), and to limit or terminate any ITQ system, ''at any time''. This invites arbitrary, politically-motivated actions by the

[1] The page and line references are keyed to House Legislative Counsel Document F/HAS/RES1/H39.REP, May 30, 1995 (1:23 p.m.)

Secretary and bypasses the scheme of regional management. No other management measures are subjected to such a scheme. Under current law, fishing permits can only be revoked for violations, and only after established procedures have been followed; management programs can be amended or terminated, but only by action of the Councils, with the approval of the Secretary (except for highly migratory species). Page 48, lines 9–14; page 50, lines 7–12.

The provision for revocation of limitation of individual quotas should be limited to enforcement actions and should be subject to prevailing procedural safeguards.

The provision to terminate individual quota systems should be subject to the normal process by which fishery management plans are amended.

No later than 7 years after its implementation, any individual quota implemented following the date of enactment of H.R. 39 must automatically terminate, unless affirmatively renewed. This reverses the administrative process established by the Magnuson Act for all other management measures—they remain effective, unless they are time-limited by regulation or further action is taken to terminate or amend them. Page 48, line 21–page 49, line 6.

The sunset provision would introduce a unique, new element of uncertainly into ITQ programs. It would jeopardize the rationalization of the fisheries—one of the principal benefits of ITQs—by preventing quota shares from being freely traded, particularly in the out years, as the termination date approaches. The sunset provision would also make it difficult or impossible to secure much-needed loans with ITQs, Notably, this scheme would not apply to the State of Alaska salmon and herring limited entry permits, which are fully marketable personal assets worth almost $1 billion to individual holders.

The sunset provisions should be deleted.

3. New fees would be established for ITQs, but not for other limited entry permits or other management measures. There would be a fee of 4% of the value of the harvested or processed fish annually. In addition, upon first issuance of quotas, there would be a fee of 1% on the value of the fish authorized to be harvested or processed. A further fee of 1% would be applied to each subsequent transfer of quotas. These fee would be prohibitively high. Moreover, it would be unfair to require payment of a fee based on the amount of fish authorized for harvest, not on the amount of fish actually landed and sold. The provision in H.R. 39 to delay implementation of these exactions for 5 years in the case of the existing quota programs does not address the basic economic problem. Page 50, line 23–page 52, line 24.

In the context of the fisheries of the North Pacific, it is important to take note of the fact that the State of Alaska receives raw fish taxes (3–5% of landed value, one-half of which goes to coastal ports) and borough taxes (2% of landed value) from the fisheries in the federal exclusive economic zone. There is also an observer fee of 2% of the value of the catch. The set-asides of special quotas from the federal exclusive economic zone for certain communities in Alaska represent an additional cost to the industry at large, in the form of lost fishing opportunities and revenues. These set-asides, called community development quotas (CDQs) are described below in detail. However, it is noted here that the North Pacific Council has approved CDQs for all groundfish and crab fisheries in the Bering Sea/Aleutian Islands area of the federal exclusive economic zone in the amount of 7.5% of the total allowable catch. Therefore, in the case of the North Pacific fisheries, the enactment of H.R. 39 would increase the cost to industry at large, in the form of fees and lost revenues, to a level of approximately 20% , before any profits are made or federal income taxes are paid.

New fees should be capped at 2% and should be calculated on the basis of the unprocessed value of the fish harvested and sold annually. This level should be more than sufficient to cover any incremental additional fisheries management costs attributable to individual quotas.

4. The ''negative social and economic impacts'' of ITQs on local coastal communities must be ''minimized''. This is a standard that is not applied to any other management measures and could be impossible to satisfy. Page 47, lines 16–19.

This standard should be deleted. Any negative social and economic impact on any communities, not solely those that are local to the fisheries, should be ''considered'', as are other relevant factors in the management process under prevailing law.

5. Unlimited portions of the total allowable catches could be set aside from any ITQ system in order to provide for entry-level fishermen, small vessel owners, and crewmen who do not qualify for ITQs. Page 50, lines 3–6. These set-asides could result in the establishment of parallel and inconsistent management systems, one for ITQs and one for open access derbies, and would certainly increase the cost of management. In addition, if implemented, this approach would further compress the already overcapitalized large-vessel fisheries. It should be noted that the Commercial Fisheries Loan Program of the State of Alaska specializes in loans to commercial fishermen to purchase vessels, limited entry permits, and even ITQs. $11 million is reported to be available at this time for loans to fishermen who would not qualify for commercial lending on the open market.

This provision should be substantially modified to provide a different approach to providing for entry-level fishermen, small boat owners, and crew, or should be deleted. For example, fees on holders of individual quotas could serve as a source of funding to facilitate the entry of fishermen into the management system. Fees would not have to exceed the suggested maximum of 2% to achieve this purpose.

6. The ITQ scheme in H.R. 39 would not effectively grandfather existing quota programs in order to avoid further, time-consuming, expensive, and uncertain administrative action that could lead to renewed litigation. Notably, the halibut/sablefish quota program was developed over a 10-year period, adopted by the North Pacific Council, approved by the Secretary, and confirmed by the Federal District Court in Alaska. H.R. 39 would merely exempt the existing quota programs from the 7-year termination requirement, but not from other destructive provisions. Page 48, line 21–page 49, line 2. The application of new criteria to old programs could greatly delay and otherwise hinder the development of new ITQ systems.

New criteria should not be applied retroactively to existing quota systems.

It bears emphasizing that the State of Alaska salmon and herring limited entry permit programs, which are successful, are subject to none of the conditions and restrictions proposed for ITQs. As noted above, the salmon and herring limited access permits are currently worth to their holders almost $1 billion. This represents collateral for loans to facilitate entry into other fisheries and provides economic stability for local communities. H.R. 39 would establish an entirely unfair and unwarranted double standard to the detriment of fishermen who would benefit from ITQ systems.

COMMUNITY DEVELOPMENT QUOTAS

The bill requires the establishment of community development quotas for all Bering Sea fisheries as permanent entitlements. Page 43, line 12–page 44, line 24. There is no limit on the newly mandated CDQ entitlements, which represent simply a form of government economic and social engineering, the cost of which is to be borne, not by society, at large, but by the fishing industry, alone.

There are already CDQs in the amount of 7.5% of the pollock total allowable catch in the Bering Sea. Based on recent prices, these CDQs are worth $30 million annually (and are reportedly being made tax exempt through the establishment of foundations, and thus are being removed from the general tax base).

There are also, at present, CDQs in the amounts of 15% and 20% of the total allowable catches of sablefish and halibut, respectively, in the Bering Sea/Aleutian Islands. At current prices, the ex vessel values of these CDQs are $3.4 million for sablefish and $2.36 million for halibut, annually.

The Alaska-dominated North Pacific Council has recently decided to establish CDQs at the level of 7.5% for all groundfish and crab fisheries of the federal exclusive economic zone of the Bering Sea/Aleutian Islands area. This will yield an income transfer to the favored Bering Sea Alaskan coastal communities from historical fishermen of approximately $80 million per year, according to the Draft Environmental Assessment/Regulatory Impact Review for License Limitation Alternatives for the Groundfish and Crab Fisheries in the Gulf of Alaska and Bering Sea/Alcutian Islands, dated September 18, 1994. This will be in addition to halibut and sablefish CDQs. At present there are 52 participating Alaskan CDQ communities, with a total population of 21,000. This translates to a perpetual annual transfer of $4,938 for every man, woman, and child in those communities, in terms of the value of the fish reserved to the CDQ program. In the case of the 1034 historical crab and groundfish vessels that will be licensed to operate in the Bering Sea/Aleutian Islands, the lost fishing opportunity will be valued at $77,000 per vessel, based on recent prices. There is no precedent for a federal agency, with or without express statutory authority, reallocating private sector income for the purpose of redistributing economic wealth in so radical a manner.

There must be a statutory limit on these direct income transfers. Alaska natives have already received over $1.3 billion in federal payments under the Alaska Native Claims Settlement Act and related sales of net operating losses under special provisions of the tax laws.

It should be remembered that the communities that are accorded privileged treatment under H.R. 39 could have long ago applied federal funds to the development of Bering Sea fisheries on a very substantial scale. Rather, those communities chose to apply the federal funds primarily to other purposes. In point of fact, these communities have never been excluded from—nor been in any manner dependent upon—the major fisheries of the federal exclusive economic zone in the North Pacific.

It should also be remembered that CDQs do not apply to limited access permits for salmon and herring in Alaska.

The CDQ provisions of H.R. 39 should be amended to limit CDQs to a maximum of 3% of each affected fishery, and should be subject to criteria that would ensure these income transfers from historical fishermen are dedicated to those communities that are most in need of assistance.

SAFETY OF LIFE AND PROPERTY AT SEA

H.R. 39 has only weak provisions relating to the safety of life and property at sea. Page 22, lines 4–5; page 25, lines 13–17.

In view of the fundamental importance of reducing injuries and losses of life in the fisheries, there should be a national standard requiring that conservation and management measures promote safety. It should be noted that crab fishing in the Bering Sea is the most dangerous profession in the United States, according to the National Institute of Occupational Safety and Health.

There should be a national standard that requires fishery conservation and management measures to promote safety of life and property at sea.

CONCLUSION

H.R. 39 contains provisions that are extremely damaging. Positive elements of H.R. 39 fall far short outweighing the negative provisions of the bill. H.R. 39 should be amended to reflect the suggested changes with respect to ITQs, CDQs, and safety, or the measure should be defeated.

MARINE SAFETY RESERVE,
Seattle, WA, July 18, 1995.

To: The Alaska and Washington State Congressional Delegation.

The following report on safety by the Marine Safety Reserve is an examination of the effects that the IFQ program for halibut and sablefish is having on crew injuries. The Marine Safety Reserve was formed in 1954 as a crew liability pool to indemnify vessel owners for Jones Act liability claims. The members of the Reserve are primarily from Washington State and Alaska with membership from all the West Coast states. The Reserve has specialized in longline fishing operation since its inception and has had a consistent number of longline vessels that it has covered. This examination attempts to look at the rate of longline claims through mid-season July 17, from 1980 to the present and rationalize the difference in accident rates.

The following is a composite of our claims in the longline fleet through July 17, 1995 and July 17th for the last 16 years since 1980. The number of longline vessels in the Reserve has remained constant through the period examined. Approximately 70 of the Reserve member vessels have been dedicated to longline activities during the years examined. The vessels typically covered are vessels with 4 to 6 person crews that deliver and sell dressed fish.

Year	Number of claims thru July 17	Total claims for the year	Fishing days available	Injuries per fishing days
1995	9	.....	123	.073
1994	14	33	14	2.36
1993	8	25	22	1.14
1992	21	41	27	1.51
1991	22	36	36	1.00
1990	24	40	62	.65
1989	23	40	61	.66
1988	21	44	77	.57
1987	19	35	62.5	.56
1986	11	25	61	.41
1985	12	26	155	.17
1984	7	21	260	.081
1983	9	18	365	.05
1982	11	26	365	.07
1981	11	24	365	.07
1980	5	18	365	.05

The number of fishable days for the ice boat fleet for halibut and sablefish was figured using the GOA fishable days for halibut, plus the time available in the Kodiak Central area for sablefish. Some vessels fished in the western district of the GOA and those seasons were somewhat longer than the Kodiak seasons. Some vessels fished only the southeast districts of the GOA, which were shorter seasons than the Kodiak area. It is the Reserve's opinion that the Central Kodiak area for sablefish represented an industry norm for available fishable days.

CONCLUSIONS

1. In 1984, the sablefish fishery was Americanized and had its first closure date other than December 31. The number of injury claims between 1980 and 1984 were fairly constant, averaging 21.4 per year.

2. Between 1980 and 1984, the accident rate per fishable day was .064 per day.

3. The 1985 season represented the first year that the fleet knew before the season started that the sablefish season would not be unlimited. The number of injuries increased 18.7 percent between 1985 and the previous 5 year average. However, the rate per number of fishing days available to the fleet increased 265 percent. The fleet was down to 155 days of operation between halibut and sablefish seasons.

4. By the 1986 season, the fleet had realized that they were in a race for fish, the fishing time reduced from 155 days in 1985 to 61 days in 1986. The number of injury claims remained about the same as the previous year, 25 versus 26. But once again, the injury rate per day increased this time by 241 percent from the year before. The injury rate per day was now 650 percent above the rate per day between 1980 and 1984.

5. By the end of the 1986 season, a fisherman was 6.4 times more likely to be injured during a halibut or sablefish opening than during the time period between 1980 and 1984 when unlimited sablefish opportunities were available.

6. The last year of derby fishing for either halibut or sablefish in 1994 recorded 33 claims which represent 2.36 claims per fishable day in the Gulf of Alaska. This reflects that you were 36.8 times more likely to be injured per fishable day than during the 1980 to 1984 time frame.

7. The nature of injuries became more severe as fishing gear was hauled faster. Prior to the race for fish, injuries usually included an occasional hook in the hand, broken ribs and hernias, injuries that people healed up from. By the time the Council voted approval of the plan, the 1992 season saw 12 lives lost in the halibut derbies. The September 1994 halibut opener for 24 hours saw 5 vessels lost and one death. These two fisheries had become killers.

8. The amount of hooks hauled and baited by hand prior to 1990 may have been between 10,000 to 12,000 hooks a day for a 5 to 6 man crew vessel and this increased to 17,000 to 19,000 hooks per day by 1994 for the same size crew. Crews recalibrated their work days to 28 and 30 hour days, as a result, new injury lawsuits of sleep deprivation emerged in the courts. After conducting interviews, it appears that the average vessel has reduced the amount of gear being set per day by 30 to 40 percent under the IFQ program.

9. The derby fishery forced out of business the majority of crew persons over 45 years old. The pace of the fishery was burning up crew members by the age of 40 with bad backs, stress and fatigue. A typical 24 hour halibut opening meant the crew was up 12 hours before the opening getting gear ready to set and 12 to 20 hours after a season cleaning fish and taking fish out of the holds. The pace of the fishery under the IFQ program has slowed down as there are no time limits to stop a vessels' fishing activity.

10. Even with all the good safety training now required by Congress with the Safety Act of 1986, the injuries per fishable day increased 570 percent per fishable day between 1986 and 1994 following enactment of the Safety Act.

11. The injuries per day of fishing opportunity in the first 123 days of fishing in 1995 under the IFQ program has fallen 323 percent to .073 injuries per day. This is comparable to rates experienced between 1980 and 1984.

12. No amount of safety training and new safety laws can have as much affect as the luxury of additional time to avoid bad weather and not be forced to harvest against a set closing date.

13. The IFQ program, by taking the race out of the Halibut and sablefish fishery, may well have had more positive aspects for human safety than all the new Congressional requirements required by law, and yet there are those who refuse to support having human safety as a new National Standard to the Magnuson Act for which regulations would be judged against.

The conclusions for the 1995 season are still waiting to be fully examined but as of July 17, 1995, the number of claims and rate per day of claims which we have had recorded have not been this low since the 1983 season when there was unlimited fishing time for sablefish and the halibut fishery in the Gulf of Alaska consisted of one 16-day season and one 4-day season. This report is intended to inform you of our perspective of the on-going IFQ program.

FISHERIES INFORMATION SERVICES,
Juneau, AK, July 20, 1995.

To: Bob Alverson, FVOA.

From: Janet Smoker, FIS.

Here is the revised table showing discards of sablefish and other groundfish in the Gulf of Alaska sablefish fishery. As noted before, I choose to use straight observer data because the process of estimating discards in the IFQ fisheries is a very complicated one that will not be thoroughly developed (by a joint effort of IFHC and NMFS staff) until this fall, and the bycatch extrapolation model used by NMFS in past years is thus obsolete.

I was unable to prepare a similar table for the halibut fishery. Groundfish bycatch and discards in the halibut directed fishery have not been thoroughly documented. Discards of halibut in the halibut IFQ fishery in 1995 have not yet been estimated by IPHC.

Conclusions to be drawn from the table follow.

1. The percent of groundfish discarded decreased from more than 24% in 1994 to less than 10% so far this year. This suggests that fishermen are better able to avoid unwanted species in the IFQ fishery.

2. The complementary conclusion, that fishermen are better able to target on sablefish, is show by the fact that the percent of sablefish of all groundfish taken in the sablefish target fishery increased from 70% to 84%.

3. The percent of sablefish discarded decreased from over 3% in 1994 to under 2% in 1995, suggesting that fewer unwanted (e.g. undersized) sablefish are being taken.

4. The percent of other groundfish that are discarded in the sablefish fishery has decreased from 74% to 51%, suggesting that fishermen are better able to use incidental take of other groundfish in the IFQ fishery.

5. The amount of groundfish sampled this year already exceeds that of 1994, even though only 60% of quota has been taken; IFQ fishery allows greater observer coverage and better data collection.

6. Last but not least, the halibut rate has decreased from almost 42% to 22% this year.

FIG. 1.—GULF OF ALASKA LONGLINE SABLEFISH TARGET CATCH, BYCATCH AND DISCARD DATA (MT)

	1994		1995		1995/1994
		Percent		Percent	Percent
All groundfish:					
Retained	1949	76	2374	90	

FIG. 1.—GULF OF ALASKA LONGLINE SABLEFISH TARGET CATCH, BYCATCH AND DISCARD DATA (MT)—Continued

	1994			1995			1995/1994
		Percent			Percent		Percent
Discarded	631	24		251	10		39
Total	2579			2624			102
Sablefish:							
Retained	1751	97		2173	98		
Discarded	58	3		39	2		55
Total	1809	70	+	2212	84	+	120
Other groundfish:							
Retained	197	26		201	49		
Discarded	573	74		212	51		69
Total	770	30	+	412	16	+	53
Halibut	1073	42	*	578	22	*	53

+Proportion of all groundfish.
*Proportion halibut to total groundfish.

Notes: Source: NMFS observer program in-season data. Preliminary data, observed vessels only; (not extrapolated to fleet).

Mr. SAXTON. Mr. Chairman, I rise in support of H.R. 39, the Magnuson Fishery Conservation and Management Act, and ask to revise and extend my remarks. Congress enacted the Magnuson Act and created the 200-mile fishery conservation zone—now called the exclusive economic zone—in direct response to a dramatic rise in foreign fishing off the coasts of the United States in the early 1970s. One undisputed success of the Magnuson Act has been the virtual elimination of foreign fishing within the exclusive economic zone.

According to some environmental groups, the Magnuson Act succeeded in getting rid of foreign overfishing only to replace it with domestic overfishing.

Our fisheries resources are facing an acknowledged crisis. The National Marine Fisheries Service reports that some of the Nation's most historically important fisheries are in serious decline, including several key species of Northeast groundfish, many Pacific coast salmon runs, and Gulf of Mexico shrimp.

During this year's reauthorization, the Magnuson Act must provide a framework for the recovery of diminished stocks. One of the issues that will have to be addressed is ''overfishing.'' The original Magnuson Act did not define overfishing and the time has come to do so. Our fisheries resources are too valuable to squander away.

The Magnuson Act in its current draft is not perfect, but it is comprehensive and does address the problems I mentioned. One area that I may offer an amendment on is in the definition of bycatch. Recreational fishermen are concerned that the bill's definition of bycatch and the new language regarding this definition will cause the ''catch and release'' fisheries to be closed down by regional councils. I may offer an amendment to make clear that ''catch and release'' fisheries cannot be eliminated by regional management councils to minimize bycatch.

In closing, I compliment the chairman of the Resources Committee, DON YOUNG, and the ranking minority member of the Subcommittee on Fisheries, Wildlife and Oceans, which I chair, GERRY STUDDS, for their bipartisanship during the drafting process of this bill.

Mr. MILLER of California. Mr. Chairman, in a clear demonstration of the fact that fish truly do not know political boundaries, I find myself on the same side of an resource management issue as the gentleman from Alaska, Mr. YOUNG and rise in support of H.R. 39, the Fishery Conservation and Management Amendments of 1995.

As many Members have mentioned here, our fisheries, and in turn our family fishermen, are in trouble. In northern California, the salmon fishermen have seen their season remain closed two years in row, the stocks devastated by habitat loss. In New England, overfishing of cod and haddock have closed significant areas of the once teeming waters of Georges Bank. In the Gulf of Mexico and the North Pacific, some fisheries are in decline or must be shut down early as a result of high bycatch of these species by fishermen who are targeting totally different fish.

When we harvest our fish at an unsustainable rate, when we decimate the habitat that fish depend on for reproduction and growth, and when we continue to discard non-target species at unchecked rates, everybody loses. The resource, the fishermen that depend on it to make a living, and the consumers that face higher prices due to limited supplies. Overfishing, habitat loss, and bycatch are just a few of the problems that face our fisheries, severe economic impacts to our coastal fishing communities is the result.

Last week, there was yet another news article documenting the plight of the fishing industry. ''Fisheries going the way of the family farm'' was the title of the story which detailed the challenges the small independent operators face today, driving many out of business. To stem this tide, we must act now if we want to preserve the fish and the fishermen and protect fishermen's jobs, instead of short term investors' profits. We must act now if we want to maintain an industry that encourages small independent owner-operators and holds the promise for crew members that invest their hearts and souls in the fishery that their hard work will enable them to fulfill the dream of owning their own vessel and fishing just as their fathers and grandfathers did.

The bill before us today represents a bipartisan effort to improve our fisheries management system and maintain this way of life. I congratulate the Chairman and the gentlemen from Massachusetts and New Jersey for their efforts to bring this legislation to the floor. At the appropriate time I will be offering an amendment that I believe takes us even closer to what I hope would be our goal for the future of the fishing industry. In total, however, this is a good bill and I urge Members to support it.

Mrs. SMITH of Washington. Mr. Chairman, I want to take this opportunity during general debate of H.R. 39 to point out the importance of fisheries to my district.

The Magnuson Act is vitally important to the people of fishery dependent communities in southwest Washington. The action we take in this legislation impacts among others, crab fishermen in places like Grayland, Chinook and Tokeland, and shoreside processors in places like Westport. These are some of the hardest working people I have ever seen, and all they want from the Federal fisheries program is an opportunity to make a living.

I also want to point out that during consideration of H.R. 39 in the House Resources Committee I offered an amendment to establish a pilot program that starts a process to contract out fish stock surveys to the private sector. This will allow fishermen to conduct fish surveys and keep the catch as a way to defer costs for the use of their boats. This will allow fishermen in my State to have a better idea of what stocks are available.

More than anyone, fishermen have a stake in making sure that we have the best information available about the quantity and quality of fish stocks. I would like to thank the West Coast Seafood Processors and Fisherman Marketing Association for their support of my amendment.

I look forward to working with the Chairman and my colleagues in the Senate as we work toward reauthorizing this important Act. The hardworking people of my State deserve nothing less.

Mr. STUDDS. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. YOUNG of Alaska. Mr. Chairman, I have no further requests for time. I urge a ''yes'' vote when this bill finally gets to the floor on the Magnuson Act, the renewal of the fisheries conservation bill.

I have no further requests for time, and I yield back the balance of my time.

Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. FOLEY) having assumed the chair, Mr. GOODLATTE, chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 39) to amend the Magnuson Fishery Conservation and Management Act to improve fisheries management, had come to no resolution thereon.

CONTINUATION OF NATIONAL EMERGENCY WITH RESPECT TO THE NATIONAL UNION FOR THE TOTAL INDEPENDENCE OF ANGOLA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. 104–116)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the emergency declared with respect to the National Union for the Total Independence of Angola (''UNITA'') is to continue in effect beyond September 26, 1995, to the Federal Register for publication.

The circumstances that led to the declaration on September 26, 1993, of a

national emergency have not been resolved. United Nations Security Council Resolution 864 (1993) continues to oblige all Member States to maintain sanctions. Discontinuation of the sanctions would have a prejudicial effect on the Angolan peace process. For these reasons, I have determined that it is necessary to maintain in force the broad authorities necessary to apply economic pressure to UNITA.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 18, 1995.*

REPORT ON DEVELOPMENTS CONCERNING NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. 104–117)

The Speaker pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

I hereby report to the Congress on developments concerning the national emergency with respect to Iran that was declared in Executive Order No. 12957 on March 15, 1995, and matters relating to Executive Order No. 12959 of May 6, 1995. This report is submitted pursuant to section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c) (IEEPA), and section 505(c) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa–9(c). This report discusses only matters concerning the national emergency with respect to Iran that was declared in Executive Order No. 12957 and matters relating to Executive Order No. 12959.

1. On March 15, 1995, I issued Executive Order No. 12957 (60 Fed. Reg. 14615, March 17, 1995) to declare a national emergency with respect to Iran pursuant to IEEPA, and to prohibit the financing, management, or supervision by United States persons of the development of Iranian petroleum resources. This action was in response to actions and policies of the Government of Iran, including support for international terrorism, efforts to undermine the Middle East peace process, and the acquisition of weapons of mass destruction and the means to deliver them. A copy of the order was provided to the Congress by message dated March 15, 1995.

Following the imposition of these restrictions with regard to the development of Iranian petroleum resources, Iran continued to engage in activities that represent a threat to the peace and security of all nations, including Iran's continuing support for international terrorism, its support for acts that undermine the Middle East peace process, and its intensified efforts to acquire weapons of mass destruction. On May 6, 1995, I issued Executive Order No. 12959 to further respond to the Iranian threat to the national security, foreign policy, and economy of the United States.

Executive Order No. 12959 (60 Fed. Reg. 24757, May 9, 1995) (1) prohibits exportation from the United States to Iran or to the Government of Iran of goods, technology, or services; (2) prohibits the reexportation of certain U.S. goods and technology to Iran from third countries; (3) prohibits transactions such as brokering and other dealing by United States persons in goods and services of Iranian origin or owned or controlled by the Government of Iran; (4) prohibits new investments by United States persons in Iran or in property owned or controlled by the Government of Iran; (5) prohibits U.S. companies and other United States persons from approving, facilitating, or financing performance by a foreign subsidiary or other entity owned or controlled by a United States person of transactions that a United States person is prohibited from performing; (6) continues the 1987 prohibition on the importation into the United States of goods and services of Iranian origin; (7) prohibits any transaction by any United States person or within the United States that evades or avoids or attempts to violate any prohibition of the order; and (8) allowed U.S. companies a 30-day period in which to perform trade transactions pursuant to contracts predating the Executive order.

In Executive Order No. 12959, I directed the Secretary of the Treasury to authorize through licensing certain transactions, including transactions by United States persons related to the Iran-United States Claims Tribunal in The Hague, established pursuant to the Algiers Accords, and other international obligations and United States Government functions. Such transactions also include the export of agricultural commodities pursuant to preexisting contracts consistent with section 5712(c) of title 7, United States Code. I also directed the Secretary of the Treasury, in consultation with the Secretary of State, to consider authorizing United States persons through specific licensing to participate in market-based swaps of crude oil from the Caspian Sea area for Iranian crude oil in support of energy projects in Azerbaijan, Kazahkstan, and Turkemenistan.

Executive Order No. 12959 revokes sections 1 and 2 of Executive Order No. 12613 of October 29, 1987, and sections 1 and 2 of Executive Order No. 12957 of March 15, 1995, to the extent they are inconsistent with it. A copy of Executive Order No. 12959 was transmitted to the President of the Senate and Speaker of the House by letter dated May 6, 1995.

2. In its implementation of the sanctions imposed against Iran pursuant to Executive Order No. 12959, the Office of Foreign Assets Control (FAC) of the Department of the Treasury has issued 12 general licenses and 2 general notices authorizing various transactions otherwise prohibited by the Executive order or providing statements of licensing policy. In order to ensure the widest dissemination of the general licenses and general notices in advance of promulgation of amended regulations, FAC published them in the Federal Register on August 10, 1995 (60 Fed. Reg. 40881). In addition, FAC disseminated this information by its traditional methods such as electronic bulletin boards, FAX, and mail. Copies of these general licenses and general notices are attached to this report.

General License No. 1 described those transactions which were authorized in connection with the June 6, 1995 delayed effective date contained in Executive Order No. 12959 for trade transactions related to pre-May 7 trade contracts. General License No. 2 authorized payments to or from Iran under certain circumstances and certain dollar clearing transactions involving Iran by U.S. financial institutions. General License No. 3 authorized the exportation of certain services by U.S. financial institutions with respect to accounts held for persons in Iran, the Government of Iran, or entities owned or controlled by the Government of Iran. General License No. 3 also contained an annex identifying 13 Iranian banks and 62 of their branches, agencies, representative offices, regional offices, and subsidiaries as owned or controlled by the Government of Iran. General License No. 4 authorized (1) domestic transactions involving Iranian-origin goods already within the United States except for transactions involving the Government of Iran or an entity owned or controlled by the Government of Iran, and (2) transactions by United States persons necessary to effect the disposition of Iranian-origin goods or services located or to be performed outside the United States, provided that they were acquired by that United States person in transactions not prohibited by the order or by 31 C.F.R. Part 560, that such disposition does not result in the importation of these goods or services into the United States, and that such transactions are completed prior to August 6, 1995. General License No. 5 authorized the importation into the United States of information and informational materials, confirmed the exemption of such information from the ban on exportation from the United States, and set forth a licensing policy for the exportation of equipment necessary to establish news wire feeds or other transmissions of information. General License No. 6 authorized the importation into the United States and the exportation to Iran of diplomatic pouches and their contents. General License No. 7 provided a statement of licensing policy for consideration, on a case-by-case basis, to authorize the establishment and operation of news organization offices in Iran by U.S. organizations whose primary purpose is the

gathering and dissemination of news to the general public. General License No. 8 authorized transactions in connection with the exportation of agricultural commodities pursuant to pre-May 7 trade contracts provided that the terms of such contract require delivery of the commodity prior to February 2, 1996. General License No. 9 authorized import, export, and service transactions necessary to the conduct of official business by the missions of the Government of Iran to international organizations and the Iranian Interests Section of the Embassy of Pakistan in the United States. General License No. 10 provided a statement of licensing policy with respect to transactions incident to the resolution of disputes between the United States or U.S. nationals and the Government of Iran in international tribunals and domestic courts in the United States and abroad. General License No. 11 authorized the exportation of household goods and personal effects for persons departing from the United States to relocate in Iran. General License No. 12 authorized the provision of certain legal services to the Government of Iran or to a person in Iran and the receipt of payment therefor under certain circumstances.

General Notice No. 1 described information required in connection with an application for a specific license to complete the performance of pre-May 7 trade contracts prior to August 6, 1995 (except with respect to agricultural commodities as provided by General License No. 8). General Notice No. 2 indicated that the Department of the Treasury had authorized the U.S. agencies of Iranian banks to complete, through December 29, 1995, transactions for U.S. exporters involving letters of credit, which they issued, confirmed, or advised prior to June 6, 1995, provided that the underlying export was completed in accordance with the terms of General License No. 1 or a specific license issued to the exporter by FAC. General Notice No. 2 also noted that the U.S. agencies of the Iranian banks were authorized to offer discounted advance payments on deferred payment letters of credit, which they issued, conformed, or advised, provided that the same criteria are met.

3. The Iranian Transactions Regulations, 31 CFR Part 560 (the ''ITR''), have been comprehensively amended to implement the provisions of Executive Orders No. 12957 and No. 12959. The amended ITR were issued by FAC on September 11, 1995 (60 *Fed. Reg.* 47061–74) and incorporate, with some modifications, the General Licenses cited above. A copy of the amended regulations is attached to this report.

4. In consultation with the Department of State, FAC reviewed applications for specific licenses to permit continued performance of trade contracts entered into prior to May 7, 1995. It issued more than 100 such licenses allowing performance to continue up to August 6, 1995.

5. The expenses incurred by the Federal Government in the 6-month period from March 15 through September 14, 1995, that are directly attributable to the exercise of powers and authorities conferred by the declaration of a national emergency with respect to Iran are approximately $875,000, most of which represents wage and salary costs for Federal personnel. Personnel costs were largely centered in the Department of the Treasury (particularly in the Office of Foreign Assets Control, the Customs Service, the Office of the Under Secretary for Enforcement, and the Office of the General Counsel), the Department of State (particularly the Bureau of Economic and Business Affairs, the Bureau of Near Eastern Affairs, the Bureau of Politico-Military Affairs, and the Office of the Legal Adviser), and the Department of Commerce (the Bureau of Export Administration and the General Counsel's Office).

6. The situation reviewed above continues to involve important diplomatic, financial, and legal interests of the United States and its nationals and presents an extraordinary and unusual threat to the national security, foreign policy, and economy of the United States. The declaration of the national emergency with respect to Iran contained in Executive Order No. 12957 and the comprehensive economic sanctions imposed by Executive Order No. 12959 underscore the United States Government's opposition to the action and policies of the Government of Iran, particularly its support of international terrorism and its efforts to acquire weapons of mass destruction and the means to deliver them. The Iranian Transactions Regulations issued pursuant to Executive Order No. 12957 and No. 12959 continue to advance important objectives in promoting the nonproliferation and antiterrorism policies of the United States. I shall exercise the powers at my disposal to deal with these problems and will report periodically to the Congress on significant developments.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 18, 1995.*

REPORT ON DEVELOPMENTS CONCERNING NATIONAL EMERGENCY WITH RESPECT TO ANGOLA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. 104–118)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

I hereby report to the Congress on the developments since March 26, 1995, concerning the national emergency with respect to Angola that was declared in Executive Order No. 12865 of September 26, 1993. This report is submitted pursuant to section 401(c) of the National Emergencies Act, (50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c).

On September 26, 1993, I declared a national emergency with respect to Angola, invoking the authority, inter alia, of the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) and the United Nations Participation Act of 1945 (22 U.S.C. 287c). Consistent with United Nations Security Council Resolution 864, dated September 15, 1993, the order prohibited the sale or supply by United States persons or from the United States, or using U.S.-registered vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles, equipment and spare parts, and petroleum and petroleum products to the territory of Angola other than through designated points of entry. The order also prohibited such sale or supply to the National Union for the Total Independence of Angola (''UNITA''). United States persons are prohibited from activities that promote or are calculated to promote such sales or supplies, or from attempted violations, or from evasion or avoidance or transactions that have the purpose of evasion or avoidance, of the stated prohibitions. The order authorized the Secretary of the Treasury, in consultation with the Secretary of State, to take such actions, including the promulgation of rules and regulations, as might be necessary to carry out the purposes of the order.

1. On December 10, 1993, the Treasury Department's Office of Foreign Assets Control (''FAC'') issued the UNITA (Angola) Sanctions Regulations (the ''Regulations'') (58 Fed. Reg. 64904) to implement the President's declaration of a national emergency and imposition of sanctions against Angola (UNITA). There have been no amendments to the Regulations since my report of March 27, 1995.

The Regulations prohibit the sale or supply by United States persons or from the United States, or using U.S.-registered vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles, equipment and spare parts, and petroleum and petroleum products to UNITA or to the territory of Angola other than through designated points. United States persons are also prohibited from activities that promote or are calculated to promote such sales or supplies to UNITA or Angola, or from any transaction by any United States persons that evades or avoids, or has the purpose of evading or avoiding, or attempts to violate, any of

the prohibitions set forth in the Executive order. Also prohibited are transactions by United States persons, or involving the use of U.S.-registered vessels or aircraft, relating to transportation to Angola or UNITA of goods the exportation of which is prohibited.

The Government of Angola has designated the following points of entry as points in Angola to which the articles otherwise prohibited by the Regulations may be shipped: *Airports:* Luanda and Katumbela, Benguela Province; *Ports:* Luanda and Lobito, Benguela Province; and Namibe, Namibe Province; and *Entry Points:* Malongo, Cabinda Province. Although no specific license is required by the Department of the Treasury for shipments to these designated points of entry (unless the item is destined for UNITA), any such exports remain subject to the licensing requirements of the Departments of State and/or Commerce.

2. The FAC has worked closely with the U.S. financial community to assure a heightened awareness of the sanctions against UNITA—through the dissemination of publications, seminars, and notices to electronic bulletin boards. This educational effort has resulted in frequent calls from banks to assure that they are not routing funds in violation of these prohibitions. United States exporters have also been notified of the sanctions through a variety of media, including special fliers and computer bulletin board information initiated by FAC and posted through the Department of Commerce and the Government Printing Office. There have been no license applications under the program.

3. The expenses incurred by the Federal Government in the 6-month period from March 25, 1995, through September 25, 1995, that are directly attributable to the exercise of powers and authorities conferred by the declaration of a national emergency with respect to Angola (UNITA) are reported to be about $170,000, most of which represents wage and salary costs for Federal personnel. Personnel costs were largely centered in the Department of the Treasury (particularly in the Office of Foreign Assets Control, the Customs Service, the Office of the Under Secretary for Enforcement, and the Office of the General Counsel) and the Department of State (particularly the Office of Southern African Affairs).

I will continue to report periodically to the Congress on significant developments, pursuant to 50 U.S.C. 1703(c).

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 18, 1995.*

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington [Mr. WHITE] is recognized for 5 minutes.

[Mr. WHITE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois [Mrs. COLLINS] is recognized for 5 minutes.

Mrs. COLLINS of Illinois addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas [Ms. EDDIE BERNICE JOHNSON] is recognized for 5 minutes.

[Ms. EDDIE BERNICE JOHNSON of Texas addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. MILLER] is recognized for 5 minutes.

[Mr. MILLER of California addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina [Mr. SPRATT] is recognized for 5 minutes.

[Mr. SPRATT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 5 minutes.

[Mr. OWENS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio [Ms. KAPTUR] is recognized for 5 minutes.

[Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from California [Mr. RIGGS] is recognized for 60 minutes as the designee of the majority leader.

[Mr. RIGGS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

THE FUTURE OF MEDICARE IN THE UNITED STATES

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Texas [Mr. DOGGETT] is recognized for 60 minutes as the designee of the minority leader.

Mr. DOGGETT. Mr. Speaker, during the next hour, on behalf of the Democrats, I want to discuss the future of Medicare in this country. It is a very serious matter that affects literally millions of Americans, not only American seniors but several million Americans who are disabled, people with disability who rely on Medicare, and on all of us who care for an individual who is beneficiary of Medicare, who might someday be on Medicare ourselves if we are fortune enough and who care about what is happening to health care for some of the most vulnerable people in our society.

This particular discussion and other discussions we will have during this special order period of Congress this week are very important because of the fact that there is an effort in this Congress to rush through a destruction of the Medicare system, at least the beginning of the destruction of that system, to rush it through without adequate consideration by this Congress or adequate opportunity for the American people to know exactly what is about to befall them.

We are at a time near the dinner hour here in Washington when many Members will be pursuing other matters. So, for any who are unable to participate in all of these deliberations tonight, I think I can sum up the hour in pretty short terms, and that is that now that we have the Republican Medicare plan before us, we know that it is a plan that essentially says to the people of America that you will be able to pay more and get less. That is what this plan is all about, and we will be talking about the details of that plan and fleshing out what it is about.

In nature, scientists have theorized that there is a natural phenomenon known as a black hole. It is a fitting symbol for this Republican pay-more-yet-less plan, a black hole. A star may shine very brightly and then implode upon itself, and the gravitational forces become so severe, so strained that finally matter is compacted in and on top of itself, it is theorized, to such an extent that even light cannot escape.

That is what is really occurring with this so-called Republican Medicare plan, the Republican star having glowed so brightly in the early days of this session of Congress, now imploding and falling in on itself so that when we talk about Medicare and the pay-more-get-less plan, it is difficult for even light to escape concerning the details of this plan.

The Republican leadership, of course, has a longstanding ideological opposition to both social security and to Medicare.

□ 1845

Individual leaders have not been the least bit bashful until recent days in voicing their strong opposition to Medicare and to Social Security. They have

spoken out against it again and again and again to anyone who was listening. They have been clear in their purposes. They have not hid their light under a bushel. They have made it clear that they are opposed to the basic premise upon which Social Security and Medicare depend.

Indeed, their forbearers in this Congress were equally clear about their objectives. When my colleague of years back, a great leader, a central Texan, Lyndon B. Johnson signed into law, Medicare, 30 years ago, over 90 percent, over 9 out of every 10 Republican Members of this Congress, House and Senate, opposed what President Johnson was doing, opposed setting up Medicare in the first place.

The current majority leader of the Republican Party, the gentleman from Texas [Mr. ARMEY] has been quite clear in his sentiments on the subject. In 1984 he said that Social Security was a bad retirement and a rotten trick on the American People. A few years later, in fact, a decade later, last September, he said, ''I would never have created the Social Security system.'' And speaking in my home State of Texas in the summer of this year, July 1995, the Houston Chronicle reported on his comments under the title, ''For now, Armey keeping lid on Medicare reform.''

''It is risky to debate in public,'' he says. He was quoted as saying, ''I resent the fact that when I am 65, I must enroll in Medicare. I deeply and profoundly resent that,'' he said. ''It is an imposition on my life.''

Mr. Speaker, it is that kind of philosophy that has generated the Republican Medicare plan, the pay more, get less plan. It is the kind of philosophy that begins in weakening the Medicare system and will eventually affect Social Security itself. Indeed, we have a further indication of the commitment of this Republican Party with reference to Social Security itself in a very interesting article from the Progress and Freedom Foundation newspaper called ''American Civilization.'' In February of this year, this is 1995, not 1935, in February of this year, the lead editorial is called, ''For Freedom's Sake, Eliminate Social Security.'' It talks about the importance of slaying the Social Security dragon, of privatizing Social Security.

Mr. Speaker, it is this goal to privatize and to destroy Medicare, and the Social Security system, that is at the heart of what is happening during this point in the life of this particular Congress. It is essential that the American people understand that this is not a matter of short-term political debate, but it is a part of a long-range, highly ideological strategy to go to the heart of Medicare and to go to the heart of the Social Security system itself.

We know that there is therefore, as the heading in the Houston Chronicle story of this summer indicates, very little interest in debating in public this particular proposal. Indeed, last week, we had a great build-up to a performance that was going to occur here in the Congress. When the day arrived on Thursday after announcements in the national news media, on Meet The Press, and in other forum around the country, we had all of these Republican bright lights and not-so-bright lights assembled, the luminaries, supporting this Medicare plan, and when all was said and done, we knew about as little at the end of the day as we did before the performance ever occurred.

It was as if they had forgotten the lines to their play or their song or whatever you will with reference to Medicare reform, because, as Congress Daily reported after that great performance, they said, ''It is clear the proposal is more of a wish list than a finished product.'' The Wall Street Journal, never known for its particular dislike of the Republican party said, ''The plan lacked many important details.'' Indeed, we have few details other than that it is a pay more, get less plan for American seniors after the program had been completely unveiled.

Mr. Speaker, the interesting thing, and perhaps one of the most interesting comments, came not from any Democrat or from any commentator, but from a Republican Member of the U.S. Senate who happened to chair the Medicare working group. He was quoted in The New York Times of last week as saying, ''We do not know exactly what is going to be in it but we think we can get it approved by September 22.''.

Is that not really the heart of the problem, that a plan developed in secret, that we know only a few details about, having leaked out through a staff memorandum here, or through a particularly able investigative reporter there, a few details come out regarding the plan, and the members, though, say that they are ready, like the star that implodes on itself and gets packed in in a packed kind of mentality, to go out and support a plan that they really do not even have the details on.

In fact, as recent as this morning, in this morning's Washington Times, we find the black hole symbol has another meaning with reference to this plan, and that is a giant hole in the plan itself, and the fact that they have taken a number, $270 billion, out of the Medicare system, and they are not sure where the numbers are going to come from to yield that $270 billion. Today's Washington Times leads off, ''The Republican budget experts are nervous that their emerging Medicare reform plan could fall as much as one-third.'' That is $1 out of every $3 that they have promised, off the targeted $270 billion in savings, and be dismissed as gimmickry, and indeed, there is a good bit of gimmickry here. It says that the backup plan that they are considering does not yet spell out which payments will be cut. It only lists a menu of services, such as home health care. That is the kind of health care that allows people who are as independent-minded as some of the people that I represent down in Texas are and who want to have the alternative of staying in their own home instead of going into a nursing home, allows them to do that. But that is one of the ones that is on what they call the menu of services, along with medical laboratories, to be targeted.

The article goes on to describe the great concern over the gimmickry of announcing a plan without announcing the details, or explaining how it is that the changes being proposed can ever lead to $270 billion in savings.

There are a good many other things that I want to say about this plan, but I see that among the most forceful and eloquent opponents of this plan, several have arrived here who I know want to join in explaining the ramifications of this plan, not only for those of us who live in Texas, but for people across this country.

Mr. Speaker, I would yield at this point to the gentlewoman from Connecticut [Ms. DELAURO], my colleague and a distinguished Member of Congress, for observations that she might have on this matter.

Ms. DELAURO. I want to thank my colleague for taking the time this evening to engage in this debate, which I view as the most serious public policy issue that we are going to have in this body over the next several months. I just want to pick up on what you were saying from the newspapers, or from the commentary today.

One comment that I have is that it looks as if the Republicans are cooking the books on their Medicare plan, and it is really America's seniors who are getting burned.

You will recall that last week the Speaker of the House had to be corrected by staff members after he underestimated how much more seniors will pay under his party's Medicare proposal. But let me just say that the Speaker is not the only one that is confused about the GOP's sketchy plan to save Medicare.

Just as you were saying, the headline in the Washington Times today, the quote is, ''GOP's Medicare savings doubted.'' Who was the article referring to? Not Democrats, but the chief skeptic in the article is none other, is one other than the Republican chairman of the House Budget Committee. That is who is doubting this plan.

Again, as you pointed out, the Democrats last week pointed out that $80 billion in the GOP plan, that there was going to be there, this $80 billion, a black hole. Now the leading budgetary expert in the Republican Party agrees that the numbers just do not add up, and that he is concerned, as are others, that the plan is going to be dismissed as gimmickry.

Paranoia about the public knowing that the numbers do not add up truly has caused the Republicans to back down from their promise to release that plan last week, and it is no wonder that they are skittish about the plan.

It is sketchy, and it appears that even the Chairman of the Budget Committee is questioning the Speaker's new math.

But I will tell you that one of the other pieces in this article today confirms seniors' worst fears about the GOP Medicare proposal, and that is, in fact, that the worst, that the very worst is yet to come. Two weeks ago when they made reference to the $80 billion hole in their plan as ''future unspecified cuts,'' apparently this was much too descriptive a phrase, ''future unspecified cuts.''

So now what the Republican leadership is calling the $80 billion shortfall is this look-back provision. In other words, if they fall short of the projected savings, they can look back and they can make more cuts. This is buying a pig in a poke. And what we ought to do is to rename the look-back to is the reach-back provision, because it is nothing short of a license to reach back into the pockets of seniors.

One other comment on this article, because I think the article is very interesting. The article also lists the gentleman from Connecticut [Mr. SHAYS], who is a colleague of mine, someone who is very well respected in this body, as also being critical of the GOP Medicare plan. He says that he is concerned that the plan will not meet savings projections because only high-end beneficiaries will have reason to stay in the Medicare system, while young, healthy beneficiaries are going to leave.

The gentleman from Connecticut is right to be concerned, and his concern brings us to the crux of what is wrong with the Medicare proposal.

The cost of Medicare is rising because the cost of medical care continues to rise in this country.

Mr. DOGGETT. If I might just make a further observation on that part of the article, because I think it is important. I noticed just in advance of the portion you were quoting your colleague from Connecticut, the article says that seniors are unlikely to want to leave the existing program, that is the Medicare we have known for 30 years, if it remains so inexpensive. And one Republican Member is quoted as saying, ''It is too good a deal. Seniors are shielded from the cost.''

Is not part of the problem here just a basic premise on the part of our Republican colleagues that seniors do not pay enough for their health care, that they are getting off too cheap, that just having to pay 21 percent of their income out of their annual income for health care is just simply not enough, and that we need to hike the cost of health care for seniors.

Ms. DELAURO. That is absolutely accurate, because assuming that seniors are getting well taken care of and that we ought to curtail what benefits that they have been getting and that they ought to pay more and it is not just a question of taking a look at upper income seniors, but all seniors, the benefits is this great largesse of benefits and we somehow ought to bring them back and particularly bring them back to pay for tax breaks for the wealthiest Americans, cut off the seniors and pay for this tax break.

What they fail to realize is that most seniors in this Nation are living on fixed incomes. These are folks who have worked all of their lives and they are entitled to retire with dignity.

I met a whole bunch of folks this weekend, I was out all weekend, and people just kept coming up to me and saying do not let them cut our Medicare. Do not do that. One woman said to me yesterday, she said, if it was not for Medicare, I would not be here today.

□ 1900

We all can see the game that is being played here, and particularly seniors are getting the message that there is a scam being perpetrated on them.

Ms. EDDIE BERNICE JOHNSON of Texas. You know, I have done a lot of visiting as well, but I did not find anyone who felt that they were paying too little. Many of them are just barely getting by with the cost of it now because these, many of these people, are persons who worked some years ago, looking out for this day when they would be on a fixed income. They did not make that much money, and so even to say to them about the savings account is a joke because they do not have that money. They barely have enough to pay any co-payment now. So, if it goes up any, it is simply eliminating care for them.

Mr. DOGGETT. I noticed that there are, according to reports, some 11 million elderly women in this country who have incomes below $8,500 per year, and I am wondering, based on not only your service here in the Congress, but your experience in the health care professions, if you represent some of those people and what impact you think it will have on them if they are suddenly faced with this new Republican Medicare plan which requires them, out of that little bit of income, to pay more and get less.

Ms. EDDIE BERNICE JOHNSON of Texas. Well, let me tell you it means not being able to buy groceries for a month, or not being able to pay a light bill, or some kind of energy or fuel bill, or doing without prescription medications. They do not have the money, and to get less normally means not having a choice of who their health care providers are, and we are talking about people who have been with the same physician for a number of years, and all of us know that the mental health and the mental state of one has more to do with the healing or as much to do with it as any medication, and, when you simply shift suddenly someone to another provider under the guise of getting cheaper care, then you actually getting much less because all decisions are removed.

It is like all of a sudden these people have become just a number to shift away to someone, anybody, that will come by now and then write a prescription, or the gimmick now is not to write a prescription, but to send them to the over-the-counter medications and just double the medicine so they would not have to have pay and they can afford it. It is a game, it is a gimmick, and it is totally unnecessary. If it was absolutely necessary to keep the system going, I think that people would try their best, as they would do anyway, to make it. But it is totally unnecessary because all of us know that this system is not in that kind of trouble.

This is being done to the persons they consider powerless so that they can give this tax break to the wealthy. It is not fair to them. If we have been a part of paying into a system that has afforded the research, that afforded the ways to make the health status better and cause people to live longer, is this what they are looking forward to just because they live longer? Is a system who refuses to do what it has promised, the real contract that was made for persons who worked, paid into the system, and now that they need it, and perhaps live past 75; they are saying, ''No more. Take it this way or no way at all.''

It is not fair to them.

Mr. DOGGETT. Well, you used the word ''gimmick,'' and I noticed in looking at it, and I hope my colleague from Connecticut will hold or point to that Washington Times in the way that our many colleagues who are watching this in their office on television can see; that is the word that Republican staffers, there in the Washington Times, are using; it is not, Congresswoman DELAURO?

Ms. DELAURO. In couple of areas—actually the chair of the Budget Committee is fearful that the plan that has been currently proposed falls so far short of the mark that it will be dismissed as gimmickry; that is the chairman's commentary. And the lockback provision further is regarded as the queasiness, I quote, the queasiness we have is that it might be perceived as a gimmick of some sort.

Let me tell you it is not only being perceived as a gimmick of some sort, it is a gimmick that is precisely what they have done here, and I will tell you that seniors are beginning to recognize this all over this country, that that is what is being done.

Mr. DOGGETT. And this whole approach of trying to create the appearance that, unless we rush something through here in a single day of hearings, suddenly the system will go bankrupt, and people will be without their Medicare. That is all a gimmick; is it not?

Ms. DELAURO. That is right, and it is as if we understand that you can make changes in Medicare and you can make it a better system. That does not—fixing it is not destroying it, and to pick up on what my colleague from Texas was saying as well, it is that if

you—if you want to control the cost of health care, you must do it in all areas of health care. You must not make a determination that you are doing to control the cost of Medicare, leaving everything else in the health care system going up and thereby utilizing the Medicare trust fund as a piggy bank to be able to take care of particularly a tax break, but using Medicare as the scapegoat on trying to hold down the costs of health care, overall health care costs in general, and the way we try to do in the last session of Congress, to overall health care reform. So that your chart, pay more and getting less, is what this is all about.

Mr. DOGGETT. And I know this pay-more, get-less Republican Medicare plan is going to have severe consequences in North Carolina, and I see our colleague from North Carolina here to comment on the impact of people in her State.

Mrs. CLAYTON. I want to commend you for having this special order on this very important session and my colleagues both who have commented on health care.

Let me say to the Speaker and to my colleagues who are listening that the proposed cut in Medicare and Medicaid is the most important health issue facing this Congress and the American people, and for that reason there should be a rational discussion, there should be full hearing, there should be bipartisan support, to do what? To protect Medicare. The majority, however, propose to cut the Medicare Program by some $270 billion over a period of 7 years. That cut is roughly three times higher than any other proposed plan to protect Medicare has been.

Now we do not know fully where those cuts will come because only last Friday did they begin to give some sketchy details over a 4-page summary which is now being discussed in the papers as not being fully forthright and coming forward. The proposed cut will cut overall some 25 percent of Medicare. If you take the $270 billion over a period of 7 years, that will reduce it by some 25 percent. And what will that do to North Carolina? It will have a devastating effect on the many, many people who depend only on Medicare, but also those who depend on Medicare and some of their insurance, Medicare and Medicaid.

For instance, 999,000 people, Medicare beneficiaries in North Carolina, will increase over a period of 7 years by some $2,400 over that period of time, and, when Medicare cuts are combined with Medicaid cuts, we will lose in North Carolina some $14 billion. That would have a devastating effect on those people who are dependent, not only the people themselves, but the communities, the providers, and the hospitals as well.

The Medicaid cuts in North Carolina affect all ages, the elderly, especially children, the disabled, and the poor. There are some 985,000 Medicaid recipients in the State of North Carolina, and we do know the reason now given for the cuts. We do not know how they were cut. We do know the reason why they were cut.

Why must we make such large cuts? We must make such large cuts because we want to give what, $245 billion to the well off. If we did not have that on the table, we would not have to cut so deeply. We would not have to cause such large pain.

Last Sunday Speaker GINGRICH's recall said the American people would only probably suffer increase by some $7. Now, and that was before the summary was made. In 2 days later, the next Tuesday, he came out and said only maybe about $32 a month, and again that was before the summary was made, so those figures are not known by the people who are proposing the cuts, and they are saying to the American people this is not going to be very painful, trust us.

But mind you, I tell you these are the same people who also said, ''Trust us,'' when Medicare was being—formally in 1965. They has this same mindset, and that indeed was to deny those who had retired and worked most of their life for the comfort of their retirement.

Mr. DOGGETT. So these are people that have opposed Medicare——

Mrs. CLAYTON. Consistently.

Mr. DOGGETT. In statements all over the country, have voted against it, have told their neighbors they are against it, perhaps at times have written against it, have been on television against it, have been on radio against it, and now they are saying, ''We won't give you the details of our pay-more, get-less plan, but please trust us, because, even though we have been against Medicare all our lives and don't really want Medicare to be here and think it's an imposition on our freedom,'' as my colleague from Texas [Mr. ARMEY] said, the Republican majority leader, ''it imposes on us, but trust us because we are going to preserve and protect it from bankruptcy.''

Mrs. CLAYTON. Well, we would ask the question, sir, where were they when they tried to protect, and save, and reform Medicare last year. You remember the reconciliation bill of 1993? We had some modest cost adjustment, and because that modest cost adjustment was there we strengthened that program, and, as a result, we extended the time of proposed bankruptcy or any fiscal instability from 5 to 7 years. And we could not get them. I maintain we do need the Republicans joining the Democrats and Democrats joining Republicans to protect Medicare, to protect Medicare. And Medicare needs reforming. Health care needs reforming. That is not anything that Republicans or Democrats can run away from. We should not be standing up here saying nothing is wrong with Medicare. We are saying:

Yes, Medicare needs reforming. We knew that last year; we know it this year. But it does not need wrecking.

We are saying the only reason why you need a $270 billion cut over a period of 7 years is because you have a $245 billion tax cut. If you took that off of the table, you could reform it with less.

What would be some of those reforms? Some of those reforms would be fraud, making sure that people were paying no more than they should pay for their service and their Medicaid. Others, make sure that people who were abusing the system, and I would say to you, if the Republicans were sincere about the fraud, they would have put more inspectors in it and we would invite them to join us in fighting the fraud by putting the capacity there to investigate hospitals, to investigate providers, but those provisions are not there.

We do need to work to save Medicare.

Mr. DOGGETT. On that point, in fact when the appropriations bill was here on the floor of the House only a few weeks ago, they actually cut the money available for enforcement of fraud; did they not?

Mrs. CLAYTON. Absolutely right, they did, and I think that was an opportunity they had to demonstrate to the American people that they were sincere in retching down the costs by making sure those costs that were illegal, those costs were abusive, that they would go after that, but, rather than do that what are they doing? They are saying to the poor, the beneficiaries themselves, you must bear that burden.

Mr. Speaker, the issue of the proposed cuts in Medicare and Medicaid is the most important health care issue currently confronting the Congress and the American people.

We should have rational discussions, full hearings and bipartisan support to protect Medicare and Medicaid.

The majority proposes to cut the Medicare Program by $270 billion. That cut is roughly three times higher than any previous plan.

We do not know fully where and how they will cut. It was only last week, on Friday, that Republicans began to give out details of their plan in a brief, 4-page summary.

The proposed cut will reduce the overall size of the Medicare Program by 25 percent—raising the cost of premiums and copayments to each of North Carolina's 999,000 Medicare beneficiaries by as much as $2,400, over the next 7 years.

When the Medicare cuts are combined with the cuts in the Medicaid Program, Federal health care dollars coming into North Carolina will be reduced by $14 billion.

The Medicaid cuts affect North Carolinians of all ages—the elderly, children, the disabled, the poor.

There are some 985,000 Medicaid recipients in the State of North Carolina.

We do know the reason they must make such a large cut—to give the well-off a tax break totaling $245 billion.

We do know that last Sunday, before the release of the summary, Speaker GINGRICH assured the American people that Medicare beneficiaries should expect their premiums to increase by only $7 a month.

However, by last Tuesday, 2 days later, even before the release of the summary, the

Speaker had admitted that the increase would be at least $32 a month.

Medicare is a very important program that benefits millions of Americans and should have support on a bipartisan basis.

We would be forced to eliminate coverage for almost half of the Medicaid recipients in North Carolina.

Some 455,000, many of whom are nursing home residents and home care recipients, could be denied further help.

These are not just numbers. These are people.

These are families, struggling to survive in an ailing economy.

There are neighbors. People I know. People you know.

The Medicare cuts will be especially painful, since nearly 83 percent of all Medicare benefits go to senior citizens with incomes of $25,000 or less.

When Democrats raise concerns and ask questions about the fate of the people when such drastic cuts are proposed, we are called alarmists or accused of scaring senior citizens. What we are trying to do is get answers to important questions, to have full hearings on a very serious issue of providing health care to seniors.

Some who are pushing this current plan of extreme cuts are of the same view as those who fought the very creation of Medicare in 1965, and now, in 1995, are seeking to do what they failed to do in 1965—deny the comfort of retirement from our senior citizens.

They should not be trusted.

It has been estimated that these plans will cost North Carolinians a loss of over $3,000 for each Medicare recipient in North Carolina between now and the year 2002, and a loss of some $900 for each recipient each year thereafter.

Most of the so-called savings that proponents say will come from Medicare will actually be paid out of the seniors' pockets.

Medicare is in need of reform—that fact is something that we cannot ignore. Democrats and Republicans, together, must work for reasonable reform.

This is not a problem, however, that we Democrats just discovered.

The Omnibus Budget Reconciliation Act of 1993 addressed Medicare reform—with cost adjustments—which strengthened the trust fund significantly and pushed the date back further from 5 to 7 years when we should be concerned about insolvency.

But, during the last Congress, many of the very people who now seek the trust of the American people in their Medicare cutting plan rejected every initiative that would have strengthened the Medicare trust fund even further.

The fact is that they are using the trust fund solvency issue as a smokescreen—they do not want to truly address the issue at hand, but instead they want to use the Medicare Program as a bank for the wealthy so that they can fulfill their campaign promise—a tax cut for the wealthy.

If they dropped the idea of a tax cut for the wealthy, they would not need to make such deep cuts in the Medicare Program.

The so-called looming Medicare bankruptcy is more fiction than fact.

Consider this history.

In 1970, it was reported that the Medicare trust fund would go broke by 1972. In 1972, it was reported that the fund would go broke by 1976. In 1982, it was reported that the fund would go broke by 1987. In 1993, the fund, it was reported, was expected to go broke by 1999. Now, those who would rob the poor by cutting Medicare to give a tax break to the wealthy, want us to believe that the Medicare trust fund will go broke by the year 2002.

It is a very convenient myth, but it is not reality.

For every $4 now spent on Medicare, $1 will be cut. Medicaid services some 4 million senior citizens. The Medicaid cut over 7 years will be a 30-percent cut.

Mr. Speaker, before America or this Congress buys into the proposal to cut Medicare, there are many questions that should be asked and that must be answered.

The first question is what exactly is the proposal? What are the details of the proposed cuts?

How can anyone support something that they know nothing about?

We should also ask, how they expect poor seniors, those on fixed income, to pay for the increases they must bear?

Will Medicare beneficiaries be able to choose their own doctors?

Where will the $90 billion in ''unspecified savings'' come from?

How will hospital closings be prevented, especially in rural communities?

Why is it that none of the funds from increased Medicare premiums will be contribution to the Medicare trust fund?

Why is it necessary to insist on a tax break for the wealthy, while cutting Medicare for those least able to absorb those cuts?

These and others are important questions, Mr. Speaker. They deserve frank answers.

Mr. DOGGETT. In other words, if you want to really strengthen, and preserve, and improve the Medicare system, Democrats and Republicans come together in bipartisan partnership, not by grabbing some figure like $270 billion out of the air in order to provide tax breaks for the privileged few, but coming together to preserve and improve the Medicare system by doing things, as you suggested, like fighting fraud and abuse in creative ways.

Ms. DELAURO. Mr. Speaker, I just want to add to the gentlewoman's point. It is interesting that the increase that seniors are going to face in premiums, deductibles, and copayments, none of that money will go to address the issue of dealing with what our colleagues on the other side of the aisle say is the problem with the trust fund. That money is going into the general fund. As you have pointed out, it goes into the general fund in order to pay for the tax break. If you truly want to, as you pointed out, deal with the issue of trying to help to fix Medicare, is then take it out of the budget debate, take the tax package off the table, and let us talk about a bipartisan group of people sitting down the way we did with Social Security some years back and make the changes. This notion that the $270 billion is money that is going to go into this trust fund to, quote, save it is erroneous. That is not what is going to happen. The money, whatever increases are there, are going into a general fund in an effort to pay for the tax cut.

Ms. EDDIE BERNICE JOHNSON of Texas. You know, another factor is that one of the ways that has been traditionally used to cut health care costs is early discharge from hospitals.

□ 1915

And when we see early discharge, we also see people a little bit sicker going home. When they go home, they will need Meals on Wheels, they will need an aide perhaps coming in. Saving the Medicare dollar we would think would put a focus on how important it is not to cut Medicaid so severely. Medicaid takes care of the Meals on Wheels, it assists them in transportation for the handy-rise to get to the doctors' offices so they can remain at home and not be institutionalized, and it also provides for the Meals on Wheels, and often the only hot meal that the ones confined to their home get a day. But that too is being cut.

All of us know that at least 67 to 70 percent of the Medicaid dollar goes for those senior citizens for long-term care. That is all a part of it. So, really, it is a gimmick. It is not a method to offer the care. It is a method to turn the care away. It is a gimmick to force seniors out of hospital care, out of home care, just to say they are saving the program.

This is not saving the program. To subject people to a system, the best health care in the world available, to not having it is not saving the system. It is simply ignoring the fact that almost 20 percent of this population needs this care on a day-to-day basis, and they have said we do not need this population to get these dollars, we must give it to the rich. Those are the ones that are more likely to show that they are getting it.

It is not popular, it seems, to help the poor, to help the elderly, to help the shut-in. It is much more popular to say I promised a tax cut to the wealthy and I am going to deliver it. I do not think this is America.

Ms. DELAURO. Mr. Speaker, I want to add one point. I know we have some other colleagues on the floor and we want to get everyone into this debate, but the gentlewoman said something that was incredibly important, and that is the issue of Medicaid.

In my State of Connecticut, 60 percent of seniors who are in nursing homes are covered under Medicaid. Most seniors in this Nation who are in nursing homes are covered by Medicaid. Few people understand that that is going to see a $182 billion cut. What happens to the senior who was in the nursing home, and by the way, they will do away with standards for nursing homes. That is also a part of this effort. What happens to the individual who is in the nursing home? What happens to the family who, after going through the trauma of putting an aging parent or a relative in a nursing home, who is then going to be thrown

out and not find themselves with the wherewithal for that young family to be able to provide that kind of help and assistance to that relative and are going to have to pick up the cost themselves?

Mr. MILLER of California. Mr. Speaker, if the gentlewoman would yield on that point?

Ms. DELAURO. I yield to the gentleman.

Mr. MILLER of California. And I want to thank my colleagues for taking this time.

I would commend to them an article in the National Journal that came to our offices this afternoon which goes to exactly the point the gentlewoman made. People believe that huge amounts of money can be saved in Medicaid by throwing low-income people off of the rolls. As the gentlewoman correctly points out, over 60 percent of all the money in Medicaid goes to long-term health and nursing home care.

In the State of California, the State of California several years ago, in 1982, cut Medicaid spending by 18 percent. The Republicans are proposing a 30-percent cut. With an 18-percent cut, what the State of California, and this is a study that has just recently been completed, almost 300,000 people were knocked off of the rolls. Then the State transferred that responsibility to the counties, and in the first year the State gave the counties 70 percent of what they were giving them before. And then the State got into more financial trouble, and it gave the counties 55 percent. By 1991, it was less than 35 percent. So now the counties are knocking people off of the rolls.

What happened? They started reimbursing the doctors less and less. It went from 91 percent reimbursement to now 70 percent. They would pay the doctors 70 percent of what those doctors got in the private market to cover Medicaid recipients. No wonder nobody will take a Medicaid recipient in California. No wonder these people cannot get care.

Now, on top of those cuts that have already been enacted in the State of California that I represent, and in many other States, along come the Republicans and say we want to put a 30 percent cut, $180 billion, on top of that.

What this article goes on to show all of my colleagues is that, in fact, now we are into competition between nursing homes. Home health care, so that a family can continue to work and take care of their parents in their own home or in the home of the children, that will be slashed. And so what we are really seeing here is a huge, huge threat and assault on nursing home care and long-term care for people who find themselves in that situation.

That impacts not only the elderly but, as we all know, in talking to our constituents and to Members of Congress, it impacts the children who are trying to educate their children, who are trying to pay their mortgage and trying to work it all out. Now, without that help of Medicaid, they are saddled. So California is a case study for how we start that downward spiral.

I noticed the gentlewoman has the article from the Washington Times that talks about the $80 billion gap, hole, or whatever it is in the budget that they are presenting. Now it will be a look-back. Let me tell Members, if California is an example, seniors will be looking back in fear and looking back in anger, because not only will all of these cuts have taken place, but then we find out, and, as this article in the National Journal, a nonpartisan organization, goes on to say, most of the savings they contemplate will not achieve what they say they will.

The governors admit it. The private people admit it. That $80 billion will grow and it will grow, and then will come year 3 of a 7-year budget, which means all of those savings then have to be achieved in a 4-year period of time. So we are really talking about reaching in and grabbing the health care system for the elderly right by the throat here.

I just wanted to tell Members, we will look back and they will look back and say why did we not know this before we voted. Remember, the look-back provision? It must be automatic to be scored. No contingencies, no butfors, no ifs, ands, or ables. This must be automatic. And that is the price we are taking from the seniors, with no knowledge of the size of that cut or the impact of that cut.

I thank the gentlewoman for yielding.

Mr. DOGGETT. Mr. Speaker, if the gentleman would yield on that point.

Of necessity, we talk here in Washington of billions and millions of people, but let me give the gentleman just one example of the same thing happening even under our current Medicare system in my hometown, Austin, TX. It is the experience of a 72-year-old retiree, Marjorie Greenhall, who moved down to Austin from Mineral Wells, up near Dallas, where Congresswoman JOHNSON serves so ably, to live with her daughter. She got down there and she reports her aggravation at being refused by the receptionists in 24 different physicians' offices because they do not take Medicare.

Now, if on top of the existing problem, we have this look-back provision and we come in after a year is over and there is this black hole or black gap in the Republican plan, and they start cutting those providers back even further than now, what will happen to someone like Marjorie Greenhall, whether she lives in Austin, TX, or in California?

Mr. MILLER of California. Well, Mr. Speaker, I think today Medicare reimbursement is about 80 percent of what doctors get in the private market. There is that reluctance. We are now seeing that that same process that drove medicine out of Medicaid, that drove doctors away from taking care of those patients, now comes into play in Medicare.

I was at a neighborhood party the other night and a woman came up to me, Rose Quantamatteo, and she said I want you to tell Speaker GINGRICH that there is a woman in your hometown Martinez that every night gets down and prays and thanks God for Medicare, for what it meant for me and my husband, Tony, who, unfortunately, passed away a couple of years ago. She said we would never have been able to survive the financial hardships, our children would not have been able to survive the financial hardships. She says just let him understand that this is what it means to our generation.

I think it is typical of the person the gentleman described and of people we have all met who want to know the facts. They want to know where Medicare is going to be tonight, tomorrow, after we vote on Thursday, and 3 years from now when we look back. That is what they want to know, and they want to know what kind of changes we are talking about, and the Republicans do not come forward with that.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, if the gentleman would yield for just a moment. With all we heard from our constituents, and from my experience of knowing what has happened, why is it we cannot be heard here?

I understand there is going to be 1 day of hearings to dismantle a program that many thousands of people have paid into the system for them to have available health care at the time at which they retire and are no longer able to work. In 1 day the dismantling will occur. We have had weeks of hearings on Waco, and Ruby Ridge.

Mr. DOGGETT. Mr. Speaker, we had 28 on Whitewater, did we not? We had 28 days of hearings.

Ms. DELAURO. Mr. Speaker, we had months on Whitewater.

Mr. MILLER of California. Mr. Speaker, we can have hearings as long as any chairman wants to hold hearings. They are capable of holding hearings. This is a leadership decision.

If the gentlewoman would continue to yield. This is a leadership decision by the Speaker and the majority leader, Mr. GINGRICH and Mr. ARMEY, to ram this through before the American public and, mainly the seniors and their families, can find out about it.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I do not think they know about it. From what I understand, they do not even know about it.

Mr. DURBIN. Mr. Speaker, if the gentleman would yield, I wish to thank him for this special order and thank my colleagues for coming this evening.

I have just returned from my district and lost my voice in the process, but traveling through the city of Chicago and all through southern Illinois this is the No. 1 issue on people's minds, and they say, Congressman DURBIN, what are they proposing in terms of changes for Medicare? I am embarrassed to tell them I do not know. What we have are rumors and suggestions.

They say to me, well, time and again, when it gets to a program this basic to American families and their future, Members are surely not going to vote on something until they have had at least some hearings to determine what the impact will be. Well, the simple fact of the matter is, we will not have those hearings. The decision has been made by the Republican leadership to move this bill through, this magical, mystery, Medicare massacre through without the hearings, without an opportunity for the public to hear about it.

People will remember 2 years ago when President Clinton had a health care plan. The Republicans, then in the minority, screamed bloody murder. We need the plan. We need it in detail. We want to go ahead and analyze it, do not take a step until we do. Now that the Republicans are in control, now that they have their mitts on Medicare and Medicaid, they are going to push this thing through without a hearing.

I tell my colleagues what is disastrous about it. In my part of the world, downstate Illinois and many rural communities, we will see hospitals close. This Gingrich-Dole plan is for closing hospitals. Hospitals dependent on Medicare and Medicaid will not have the resources to stay open.

We will see kids in this country denied health care. That is just not some political exaggeration. That is a fact. Twenty-four percent of the kids in America live in poverty. They depend on Medicaid for the basic health care to keep them alive and healthy. When we cut $180 billion, let me tell my colleagues there will be real losers among those kids.

Tell me what the sick kid is going to mean to the future of this country? For his family and our Nation it is a tragedy. A group often overlooked on Medicaid is the disabled community. We say Medicaid, that is just for poor people. No, it is for seniors and disabled folks, too. Disabled people who literally survive, literally physically survive because of a Medicaid payment that picks up a home health care service so that they can literally stay alive from day-to-day and week-to-week.

With that much at stake, it is unconscionable, unconscionable that we would move this bill through without even seeing the details; that there would be some $80 or $90 billion that we do not know about. It is like a meatloaf. We will stick everything in there. Here it is, the middle of the week, and we will go ahead and serve it up.

It is much more serious, and I thank the gentleman for this special order, and I hope a lot of people listening who have a stake in this Medicare and Medicaid, as every family in America does, will tune into what is happening in Washington. This is not good government at work, this is politics at work. It is a cut in Medicare-Medicaid to pay for a tax cut for wealthy people. That is it. This is not saving Medicare, this is saving the skins of the fat cats and the profitable corporations.

Mr. Speaker, I believe Americans had better tune in, get on the phone and call their Congressman and Senator and say slow this train down, we want to know what Congress is doing to Medicare, we want to know what Congress is doing to our families.

I thank the gentleman from Texas [Mr. DOGGETT] for his special order.

Mr. DOGGETT. Mr. Speaker, I thank the gentleman for those observations. Indeed, it is a total contradiction for the same Republicans who were complaining last year that they needed more time to study health care to now say that the only time the American people need to see the details of the plans with the far-reaching consequences that the gentleman identified with 30 years' experience will be reviewed in 1 day in this Congress, and it is an outrage.

Ms. DELAURO. Mr. Speaker, just to add, if the gentleman would yield 1 second. That $80 or $90 billion that my colleague from Illinois talked about, that is amorphous at the moment. Who knows what that is. They are asking the public, they are asking people here to vote on $80 billion of unspecified cuts.

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I said earlier, it is buying a pig in a poke. And they are saying, ''trust me.'' And it is wrong.

Mr. MILLER of California. The $80 billion that we see the Republicans now starting to talk about is assuming that all of their numbers work. And we see one organization after another, whether it is the hospitals, whether it is the doctors, whether it is the States, questioning whether or not their numbers will work. If their numbers do not work, 80 becomes 85, becomes 90, becomes $100 billion.

So this black hole, like the hole in the ozone, will grow every year, because these numbers, just for example, Arizona is the only State in the Union that has its entire Medicaid caseload in managed care. It continues to grow at a 7-percent rate. Under the Republican resolution, the maximum is 4 percent. Arizona, the model on which they are basing, is growing twice what they will allow. That adds to the 80 billion gap in this budget that the gentleman has pointed out.

Mr. PALLONE. I just wanted to stop by tonight when I listened to what you were all saying, because I think it is really crucial. We in New Jersey once again on Friday had a Medicare forum, which was attended by a number of the Democratic Congressmen, specifically myself and my colleague, the gentleman from New Jersey [Mr. ANDREWS]. And it was amazing to me how more confused senior citizens become every day because of the manner in which the Republican leadership is essentially gradually leaking out information about what they might have in mind for these Medicare cuts and these significant changes in Medicare.

The overwhelming feeling was exactly what you have on that placard up there: The GOP Medicare plan, you pay more and you get less. People are beginning to understand, I think, that essentially what this is, is nothing but budget driven, a way to try to take a lot of money out of the Medicare program and provide less services for senior citizens.

But I agree with you, I heard what you said about the article that was in the Washington Times today, and the criticism that the gentleman from Ohio [Mr. KASICH] and others are giving them. I commend the gentleman from Ohio for doing that, because it is absolutely the truth: We really do not have a plan here. The way the plan has been set up already, there is absolutely no way that this level of cuts can be implemented based on the details they have given us.

The problem I see here is this is going to be a total stealth effort. By next Thursday or whenever, we are going to get a few more details. At the time when we actually vote on this, we are still not going to know exactly what it will mean for senior citizens. All we will know is the Medicare program cannot absorb this level of cuts without providing less services and costing significantly more dollars out of pocket.

I have to tell you, one of the things I disagreed with in the Washington Times article is where it suggested that somehow seniors were going to be able to afford those part B premium increases. The seniors I met with in Gloucester Township, NJ on Friday with Congressman ANDREWS, they were complaining about the level of those premium increases. We are talking about the doubling of the part B premium in the next 7 years the way I understand it. You are talking about senior citizens in many cases that cannot afford any kind of increase at all. Their budget is to the point where they budget every dollar on a monthly basis. To talk to them about doubling the amount of money that they have to pay out of pocket for part B to pay for the doctor bills is absolutely outrageous.

The other thing I have to address, and I know you have already said it, is the providers. The hospitals are scared to death, because the way this huge hole, if you will, has been created here, what the Republicans are saying is that wait a few years and we will see how this works out. If it does not, we will have to start making more significant cuts. The hospitals are saying that any significant cuts, even the ones they are experiencing now, are causing many of them to close or downsize or not provide the community services or the clinical services that they provided in the past in various communities. They cannot absorb this level of cuts. There is no way for the Republicans to implement this level of cuts in Medicare without severe effects on the hospitals, on the quality of care, and also

on senior citizens having to pay more out of pocket.

It is incumbent upon us, I know that is what you are doing, the gentleman from Texas, the gentlewoman from Connecticut, the gentleman from California, we have to keep making the point that we have to let the public in to see what is going on here. We cannot let 1 day of hearings before the Committee on Ways and Means be the only contribution that the public ever sees before we vote only this plan. We have to continue to press, as I know we will, that we have to have the full plan and we have to have several weeks, if not at least a month, to look it over, to bring in the senior citizens, to bring in the hospitals, to bring in the people that are going to be directly impacted by this, so we know what the Republicans have in mind.

It is still remarkably something that we do not have the details about, and we cannot plan about. But what we know, we know is going to have a devastating effect because we cannot absorb, the program cannot absorb that level of cuts. I want to commend the two of you again for putting together this special order.

Mr. DOGGETT. I thank the gentleman for his observations and leadership on this critical issue.

Ms. DELAURO. I wanted to add one point. You have just laid out the kinds and numbers of hospitals that are going to be in difficulty.

I would like to add one more category of hospital, and that is the teaching hospitals. I represent in New Haven, CT, Yale University, one of the finest teaching hospitals in the world. What will happen is not too many people know about the connection of Medicare and teaching hospitals and medical education.

One of the hue and cries that we all heard throughout the health care debate in the last session of Congress and in this session of Congress is that the fact of the matter is that the United States has the very best quality of health care in the world, bar none. Folks from all over the world come here to get the benefit of our technology, our know-how, in medical care.

If we begin to eat away at our teaching hospitals and our medical education, not only is the level of servicing going down, the quality of medical care that we stand on so proudly in this nation is going to be eroded. And I think that we cannot let it be forgotten in the litany the providers and hospitals that are going to be get hurt and how ultimately this may look like a cut to a provider, but in fact the recipients, all of us in this nation, are going to be hurt because the quality of our medical care is going to be eroded.

Mr. PALLONE. If I could say very quickly, I think the gentlewoman from Connecticut is absolutely right. What she is pointing out even more so in the general sense is that this does not just effect senior citizens. Obviously we are very concerned about seniors; otherwise we would not be here.

This affects the entire health care system and impacts everyone, not only because the quality of care is going to go down and you will have hospital closures, but you will have less community service, and that means that people just will not have access to quality medical care the way they do now.

In addition, you have so many other people, I know you were mentioning about Medicaid before and how something like 70 percent, I know in my home State of New Jersey, 71 percent of the money from Medicaid pays for nursing home care. If there are cuts in Medicaid, just as there are significant cuts in Medicare, then what is going to happen is a lot of the senior citizens are not going to be able to pay for the nursing home care, and you are going to see their own children or grandchildren having to kick in more.

So the costs of all this are going to end up ultimately, and the downgrading of our health quality and health care system, is going to impact everyone. There is no way this is just a senior citizen issue.

Mr. DOGGETT. That is so very true. You know, we have had important observations like yours from a number of our Democratic colleagues, and I am sure there are people across this country that are wondering, where are the Republicans? Why are they not out discussing this plan?

Not just tonight, but, you know, it is September 18 in the evening. We are approaching the end of this Federal fiscal year, less than 2 weeks away. And yet to this very moment, we have yet to have one Republican colleague tonight or at any other time take the floor of this House and outline how deep it is they are going to reach into the pockets of senior citizens across this country, how big the cuts are going to be.

I do not know whether it is because they do not know, as this morning's Washington Times says, and they have a black hole or a giant gap in their plan, and they are just committed to whacking $270 billion out of Medicare; or they are afraid to say how they are going to do this. But they have refused to come and stand on the floor of this Congress tonight or at any other time and level with the American people and tell them how hard the hit is going to be, how much more are they going to have to pay, and how much less are they going to have to get.

Tonight, as we conclude this special order, I think it is important to remember that the same group that gave us the Contract With America, Lunz & Associates, advised our Republican colleagues not on how to reform Medicare, but how to sell what they were going to do. They said, ''Keep in mind that seniors are very pack oriented and are susceptible to following one very dominant person's lead. Do not talk about improving Medicare.''

Well, indeed they are not improving it. They think the seniors of America will be quiet. They think people all across this land will not listen, will not care; that they can sneak this through in a single day of hearings, can run it through here at the end of the fiscal year, and that, before you know it, the cost is up, the benefits are down, in New Jersey, in Connecticut, in California and Illinois, across this land, with seniors having been affected in a very dramatic way that they will not speak out. But just as with your experience in New Jersey, when I had a meeting last week in Texas, if our seniors know about this and they speak out, they can make a difference.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. SISISKY (at the request of Mr. GEPHARDT), for today and the balance of the week, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DOGGETT) to revise and extend their remarks and include extraneous material:)

Mrs. COLLINS of Illinois, for 5 minutes, today.

Ms. EDDIE BERNICE JOHNSON of Texas, for 5 minutes, today.

Mr. MILLER of California, for 5 minutes, today.

Mr. SPRATT, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. DOGGETT) and to include extraneous matter:)

Mr. BONIOR.

Mr. COLEMAN.

Mr. MENENDEZ in two instances.

Mr. FARR.

(The following Members (at the request of Mr. GOODLATTE) and to include extraneous matter:)

Mr. RADANOVICH.

Mr. GOODLING.

Mr. DOOLITTLE.

Mr. GEKAS.

Mr. GILMAN.

Mr. BLILEY.

Mr. SHUSTER.

ADJOURNMENT

Mr. DOGGETT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 40 minutes p.m.), under its previous order, the House adjourned until Tuesday, September 19, 1995, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1433. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification to the Congress of additional program proposals for purposes of Nonproliferation and Disarmament Fund [NDF] activities, pursuant to 22 U.S.C. 5858; to the Committee on Appropriations.

1434. A letter from the Director, the Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of September 1, 1995, pursuant to 2 U.S.C. 685(e) (H. Doc. No. 104–115); to the Committee on Appropriations and ordered to be printed.

1435. A letter from the Director (Test, Systems Engineering & Evaluation), Department of Defense, Transmitting notification of the intent to obligate funds for fiscal year 1996 Foreign Comparative Testing [FCT] Program, pursuant to 10 U.S.C. 2350a(g); to the Committee on National Security.

1436. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting a copy of the Corporation's annual report for calendar year 1994, pursuant to 12 U.S.C. 1827(a); to the Committee on Banking and Financial Services.

1437. A letter from the Secretary of Education, transmitting Final Regulations—Standards for the Conduct and Evaluation of Activities Carried out by the Office of Educational Research and Improvement [OERI]—Evaluation of Applications for Grants and Cooperative Agreements and Proposals for Contracts, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Economic and Educational Opportunities.

1438. A letter from the Secretary of Health and Human Services, transmitting the National Center on Child Abuse and Neglect's report on efforts to bring about coordination of goals, objectives, and activities of agencies and organizations which have responsibilities for programs related to child abuse and neglect for fiscal years 1991–92, pursuant to 42 U.S.C. 5106f; to the Committee on Economic and Educational Opportunities.

1439. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance [LOA] to the United Kingdom for defense articles and services (Transmittal No. 95–39), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

1440. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report to Congress on the program recommendations of the Karachi Accountability Review Board, pursuant to 22 U.S.C. 4834(d)(1); to the Committee on International Relations.

1441. A letter from the Secretary of Housing and Urban Development, transmitting the Federal Housing Administration's [FHA] annual management report for the fiscal year 1994, pursuant to Public Law 101–576, Section 306(a) (104 Stat. 2854); to the Committee on Government Reform and Oversight.

1442. A letter from the Chairman, National Transportation Safety Board, transmitting the Board's response to OMB's request for information regarding agency operations in the absence of appropriations, pursuant to 49 U.S.C. app. 1903(b)(7); to the Committee on Transportation and Infrastructure.

1443. A letter from the Secretary of Veterans Affairs, transmitting a draft of proposed legislation entitled the ''Department of Veterans Affairs Improvement and Reinvention Act of 1995''; to the Committee on Veterans' Affairs.

1444. Secretary of Energy, transmitting a copy of the Energy Efficiency Commercialization Ventures Program plan, pursuant to Public Law 103–138, title II (107 Stat. 1407); jointly, to the Committees on Appropriations and Commerce.

1445. Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that the President intends to exercise his authority under section 610(a) of the Foreign Assistance Act in order to authorize the furnishing of $2.8 million to El Salvador, pursuant to 22 U.S.C. 2411; jointly, to the Committees on International Relations and Appropriations.

1446. Railroad Retirement Board, transmitting the Board's budget request for fiscal year 1997, pursuant to 45 U.S.C. 231f; jointly, to the Committees on Appropriations, Transportation and Infrastructure, and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GOODLING: Committee on Economic and Educational Opportunities. H.R. 743. A bill to amend the National Labor Relations Act to allow labor management cooperative efforts that improve economic competitiveness in the United States to continue to thrive, and for other purposes; with an amendment (Rept. 104–248). Referred to the Committee of the Whole House on the state of the Union.

Mrs. WALDHOLTZ: Committee on Rules. House Resolution 222. Resolution providing for the consideration of the bill (H.R. 1617) to consolidate and reform workforce development and literacy programs, and for other purposes (Rept. 104–249). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BURTON of Indiana:

H.R. 2347. A bill to seek international sanctions against the Castro government in Cuba, to plan for support of a transition government leading to a democratically elected government in Cuba, and for other purposes; to the Committee on International Relations, and in addition to the Committees on Ways and Means, Banking and Financial Services, the Judiciary, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GILMAN:

H.R. 2348. A bill to authorize the transfer of naval vessels to certain foreign countries; to the Committee on International Relations.

By Mr. SHUSTER (for himself, Mr. PETRI, Mr. MINETA, Mr. RAHALL, and Mr. OBERSTAR):

H.R. 2349. A bill to amend title 23, United States Code, to designate the National Highway System, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. COBURN:

H.R. 2350. A bill to amend title XVIII of the Social Security Act to provide protections for Medicare beneficiaries who enroll in Medicare managed care plans; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

MEMORIALS

Under clause 4 of rule XXII memorials were presented and referred as follows:

159. By the SPEAKER: Memorial of the Senate of the State of Alaska, relative to the conversion of the Naval Air Facility in Adak, AK; to the Committee on National Security.

160. Also, memorial of the Senate of the State of Alaska, relative to requesting the Congress to clarify that the Reindeer Industry Act of 1937 no longer applies in the State of Alaska; to the Committee on Resources.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 60: Mr. MOORHEAD.

H.R. 387: Mr. MOORHEAD.

H.R. 528: Mr. PICKETT, Mr. BLILEY, Mr. BEVILL, Mr. WATTS of Oklahoma, Mr. FOX, and Mr. JONES.

H.R. 530: Mr. POMBO.

H.R. 632: Mr. FIELDS of Texas.

H.R. 743: Mr. BROWNBACK, Mrs. WALDHOLTZ, and Mrs. LINCOLN.

H.R. 783: Mr. RAMSTAD, Mr. THORNTON, and Mr. DOOLITTLE.

H.R. 784: Mr. NORWOOD, Mr. JONES, Mr. COOLEY, Mr. BARR, Mr. FOX, Mr. HUNTER, Mr. BUNN of Oregon, Mr. HASTINGS of Washington, Mr. STOCKMAN, Mr. BRYANT of Tennessee, Mr. BAKER of California, and Mrs. KELLY.

H.R. 1161: Mr. LINDER and Mr. STEARNS.

H.R. 1221: Mr. HORN.

H.R. 1226: Mr. KNOLLENBERG.

H.R. 1227: Mr. ENGEL and Mrs. MEYERS of Kansas.

H.R. 1264: Mr. MFUME.

H.R. 1506: Mr. BLILEY.

H.R. 1589: Mr. BURR and Mr. RIGGS.

H.R. 1651: Mr. LOBIONDO.

H.R. 1692: Mr. PETRI.

H.R. 1693: Mr. PETRI and Mr. HAMILTON.

H.R. 1694: Mr. PETRI.

H.R. 1715: Mr. BRYANT of Tennessee, Mr. CHAMBLISS, Mr. COOLEY, Mr. CRAPO, Mr. EWING, Mr. GOODLATTE, Mr. HASTINGS of Washington, Mr. HERGER, Mr. LIGHTFOOT, Mr. RADANOVICH, Mr. ROBERTS, Ms. PRYCE, Mr. SPENCE, and Mr. WOLF.

H.R. 1733: Mr. BISHOP.

H.R. 1744: Mr. BRYANT of Tennessee.

H.R. 1764: Mr. HANCOCK and Mrs. CHENOWETH.

H.R. 1965: Mr. CASTLE, Mr. MATSUI, Mr. TORRICELLI, Ms. HARMAN, Mr. DIXON, Mr. DEUTSCH, Mr. PETERSON of Florida, Mr. STEARNS, Mr. LIPINSKI, and Mr. LONGLEY.

H.R. 1975: Mr. EHRLICH.

H.R. 2006: Mrs. MORELLA.

H.R. 2066: Mr. DORNAN.

H.R. 2143: Mr. MFUME.

H.R. 2179: Mr. LIPINSKI.

H.R. 2249: Ms. RIVERS.

H.R. 2265: Mr. HANCOCK, Mr. ROBERTS, and Mr. CALLAHAN.

H.R. 2331: Mr. ZELIFF and Mr. CHRYSLER.

H.J. Res: 61: Mr. TALENT.

H. Con. Res. 51: Mr. DAVIS, Mr. SHAYS, Mr. FRANKS of Connecticut, Mr. DURBIN, Mr. LIPINSKI, and Mr. ROHRABACHER.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 927

OFFERED BY: MR. STEARNS

(Amendment to the Amendment Offered by Mr. Burton of Indiana)

AMENDMENT NO. 2: Add at the end of title I the following:

SEC. 112. CONGRESSIONAL NOTIFICATION OF CONTACTS WITH CUBAN GOVERNMENT OFFICIALS.

(a) ADVANCED NOTIFICATION REQUIRED.—No funds made available under any provision of law may be used for the costs and expenses of negotiations, meetings, discussions, or contacts between United States Government officials or representatives and officials or representatives of the Cuban Government relating to normalization of relations between the United States and Cuba unless 15 days in advance the President has notified the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate in accordance with procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961.

(b) REPORTS.—Within 15 days of any negotiations, meetings, discussions, or contacts between individuals described in subsection (a), with respect to any matter, the President shall submit a report to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate detailing the individuals involved, the matters discussed, and any agreements made, including agreements to conduct future negotiations, meetings, discussions, on contracts.

H.R. 1323

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 1: At the end of the bill, insert the following new section:

SEC. 24. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available under this Act should be American-made.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Administrator, to the greatest extent practicable, shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

H.R. 1617

OFFERED BY: MR. BAKER OF LOUISIANA

AMENDMENT NO. 2: Strike title V of the bill and insert the following:

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. EFFECT ON REHABILITATION ACT OF 1973.

Notwithstanding any other provision of this Act, this Act does not have any legal effect on any program under the Rehabilitation Act of 1973.

H.R. 1617

OFFERED BY: MR. BECERRA

AMENDMENT NO. 3: Page 77, line 11, insert after the comma the following: ''and disaggregated by demographic characteristics, where feasible,''.

Page 78, line 6, after ''aggregate data'' insert the following: '', and disaggregated data by demographic characteristics, where feasible,''.

H.R. 1617

OFFERED BY: MR. BECERRA

AMENDMENT NO. 4: Page 91, after line 18, add the following:

SEC. 143. REPRESENTATION.

The membership of any board or council established pursuant to this Act at the local, State, or national level shall reflect the demographic characteristics, respectively—

(1) of the local workforce area;

(2) of the population of the State; or

(3) of the population of the United States.

H.R. 1617

OFFERED BY: MR. BECERRA

AMENDMENT NO. 5: Page 98, after line 4, add the following

SEC. 203. PRIORITY.

A national, State, or local program that receives funds under this title, shall establish a process the gives priority to youth who must overcome barriers to complete an education program or to employment such as a lack of sufficient education or vocational skills, economic disadvantages, disability or limited English proficiency.

H.R. 1617

OFFERED BY: MR. BECERRA

AMENDMENT NO. 6: Page 149, line 22, strike ''less'' and insert ''greater''.

H.R. 1617

OFFERED BY: MR. BECERRA

AMENDMENT NO. 7: Page 150, line 5 strike ''to have the capacity to administer effectively'' and insert ''to have demonstrated effectiveness in administering''.

H.R. 1617

OFFERED BY: MR. BECERRA

AMENDMENT NO. 8: Page 115, strike line 2 and insert the following:

(d) LIMITATIONS ON USE OF FUNDS.—

(1) OUT-OF-SCHOOL.—Not less than 50 percent of funds allocated to at-risk programs under section 212(a)(1)(B) shall be used for programs that provide services to out-of-school youth.

(2) ADMINISTRATIVE COSTS.—Not more than 10 percent of the funds provided under this chapter to a local workforce development board may be used for administrative purposes.

H.R. 1617

OFFERED BY: MR. GOODLING

AMENDMENT NO. 9: Page 2, in the matter of relating to section 108, strike ''Education'' and insert ''education''.

Page 2, in the matter relating to subtitle C, strike ''Worker Rights'' and insert ''General Provisions''.

Page 2, in the matter relating to section 141, strike ''Requirements.'' and insert ''Worker rights.''.

Page 2, after the matter relating to section 141, insert the following:

Sec. 142. Transferability.

Page 2, strike the matter relating to section 224.

Page 3, strike the matter relating to section 316.

Page 3, strike the matter relating to section 434.

Page 4, in the matter relating to section 702, strike ''Amendment to Higher Education Act'' and insert ''Eligible institutions.''.

Page 18, line 15, strike ''out-of-school''.

Page 30, beginning on line 20, strike ''organization representing parents''.

Page 31, line 1, insert ''and entity'' after ''agency''.

Page 31, after line 22, insert the following:

(H) the State entity responsible for setting education policies, consistent with State law, on the date preceding the date of the enactment of this Act.

(3) representatives of the State legislature.

Page 32, after line 24, add the following:

(3) DISAGREEMENT.—The Governor shall accept and include with the State plan submitted under section 104, any disagreeing views submitted by a participant of the collaborative process if such views represent disagreement in the area in which such participant was selected for representation.

Page 36, strike lines 8 through 13.

Page 36, line 14, strike ''(d)'' and insert ''(c)''.

Page 38, after ''including'' insert ''academic and vocational administrators, members of local schools boards, principals, teachers, postsecondary and other adult education administrators and instructors, including community colleges,''.

Page 62, line 3, strike ''customer'' and insert ''the''.

Page 63, line 1, strike ''will measure'' and insert ''must demonstrate''.

Page 63, beginning on line 18, strike ''appropriate'' and all that follows through ''among'' on line 19.

Page 71, line 2, insert ''by the Secretary of Labor or the Secretary of Education, as the case may be,'' after ''disallowed''.

Page 71, line 4, strike ''this Act'' and insert ''chapter 2 of title II, title III,''.

Page 71, line 5, strike ''the'' and insert ''such chapter or title''.

Page 72, line 25, strike the semicolon and insert '', which, to the extent practicable, shall be done through the private sector;''.

Page 88, line 3, strike ''elected''.

Page 89, line 19, strike ''**Provision**'' and insert ''**Provisions**''.

Page 92, beginning on line 1, strike ''skills'' and all that follows through line 3 and insert ''foundation and occupational skills needed to be successful in a competitive economy and to complete a high school diploma or general equivalency diploma;''.

Page 99, after line 20, insert the following (and redesignate any subsequent paragraphs accordingly):

(4) FEDERAL FUNDS TO SUPPLEMENT, NOT SUPPLANT, NON-FEDERAL FUNDS.—Funds received under this title shall be used only to supplement the amount of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the education of youth participating in programs assisted under this title, and not to supplant such funds.

Page 139, line 15, insert ''media'' before ''technology''.

Page 140, line 25, insert ''and'' after the semicolon.

Page 141, strike lines 1 and 2.

Page 141, line 3, strike ''(iii)'' and insert ''(ii)''.

Page 148, line 8, strike ''one quarter of one'' and insert ''4''.

Page 149, line 21, strike ''one quarter of one'' and insert ''4''.

Page 222, strike line 10 and all that follows through page 225, line 13, and insert the following (and conform the table of contents on page 226, after line 14):

''SEC. 108. STATE OPTION REGARDING ALTERNATIVE DELIVERY SYSTEMS.

''(a) IN GENERAL.—In the case of the requirements referred to in subsection (b), a State may, in its discretion, elect to use alternative approaches for the implementation of any of the requirements if (subject to the other provisions of this section) the following conditions are met:

''(1) The Governor appoints a board to develop a proposed plan for the alternative approaches.

''(2) Individuals with disabilities who are not State officials or employees constitute a majority of the members of such board.

''(3) The membership of the board includes—

''(A) each State administrative agent designated pursuant to section 103(a); and

''(B) one or more individuals from private industry.

''(4) The State provides that the alternative approaches will be implemented in accordance with the plan developed by the board.

''(5) In the development of the plan, the public is afforded a reasonable opportunity to comment on the proposed alternative approaches.

''(6) The Governor submits to the Secretary a notice that the State is electing to use alternative approaches, and the notice is submitted to the Secretary not later than 60 days before the beginning of the first fiscal year to which the election applies.

''(b) ALTERNATIVES REGARDING STATE ADMINISTRATIVE STRUCTURE FOR DELIVERY OF SERVICES.—For purposes of subsection (a), a State may elect to implement alternative approaches to requirements in accordance with the following:

''(1) The allocation under section 102(a) (allocating amounts between State administrative agents and local workforce development boards) is in the discretion of the State, except that not more than 80 percent of a grant under section 101(a) for a fiscal year may be reserved for activities of local workforce development boards.

''(2) With respect to the requirements established in sections 103 and 104, the allocation between State administrative agents and local workforce development boards of responsibilities for carrying out the requirements is in the discretion of the State.

''(3) The selection of State officials who are to administer the requirements of section 103 is in the discretion of the State.

''(c) REVIEW AND REVISION OF ALTERNATIVE APPROACH.—An election under subsection (a) ceases to be effective after the third fiscal year of being in effect unless, during such third year, the plan under the election is reviewed. The plan may be reviewed and revised annually. This section applies to the review and revision of the plan to the same extent and in the same manner as this section applies to an original plan under subsection (a).

''(d) PERFORMANCE ACCOUNTABILITY SYSTEM.—An election under subsection (a) for a State does not, with respect to carrying out the program under this title in the State, affect the applicability to the State of section 110 of the Consolidated and Reformed Education, Employment, and Rehabilitation Systems Act.''.

Page 236, line 10, strike ''2003'' and insert ''2005''.

At each of the following locations, strike ''2007'' and insert ''2009'': Page 237, line 16; page 242, line 21; page 243, line 19; and page 249, line 4.

Page 255, after line 21, insert the following new paragraph:

(3) LIMITATION ON OWNERSHIP OF STOCK.—Except as provided in subsection (d)(2) of this section, no stock of the Corporation may be sold or issued to an agency, instrumentality, or establishment of the United States Government, to a Government corporation or a Government controlled corporation (as such terms are defined in section 103 of title 5, United States Code), or to a Government sponsored enterprise (as such term is defined in section 622 of title 2, United States Code). The Student Loan Marketing Association shall not own any stock of the Corporation, except that it may retain the stock it owns on the date of enactment. The Student Loan Marketing Association shall not control the operation of the Corporation, except that the Student Loan Marketing Association may participate in the election of directors as a shareholder, and may continue to exercise its right to appoint directors under section 754 of the Higher Education Act of 1965 as long as that section is in effect. The Student Loan Marketing Association shall not provide financial support or guarantees to the Corporation. Notwithstanding the prohibitions in this subsection, the United States may pursue any remedy against a holder of the Corporation's stock to which it would otherwise be entitled.

Page 258, beginning on line 8, strike '', upon request of the Secretary of Education''.

Page 258, lines 11 and 16, strike ''voting common''.

Page 258, beginning on line 12, strike ''one year'' and insert ''6 months''.

Page 258, beginning on line 18, strike ''within'' and all that follows through ''shall purchase'' on line 20 and insert '', the Corporation shall purchase, within the period specified in paragraph (1),''.

H.R. 1617

OFFERED BY: MR. GENE GREEN OF TEXAS

AMENDMENT NO. 10: Strike title V of the bill and insert the following:

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. EFFECT ON REHABILITATION ACT OF 1973.

Notwithstanding any other provision of this Act, this Act does not have any legal effect on any program under the Rehabilitation Act of 1973.

H.R. 1617

OFFERED BY: MR. KILDEE

AMENDMENT NO. 11: Page 91, strike lines 12 through 18.

H.R. 1617

OFFERED BY: MR. KILDEE

AMENDMENT NO. 12: Page 100, after line 17, insert the following:

(e) FISCAL EFFORT.—

(1) IN GENERAL.—No payments shall be made under this title for any fiscal year to a State unless the Secretary determines that the combined fiscal effort per student or the aggregate expenditures of such State with respect to vocational education for the fiscal year preceding the fiscal year for which the determination is made was not less than 100 percent of such combined fiscal effort or aggregate expenditures for the second fiscal year preceding the fiscal year for which the determination is made.

(2) WAIVERS.—The Secretary may waive, for one fiscal year only, the requirements of this subsection if the Secretary determines that such a waiver would be equitable due to exceptional or uncontrollable circumstances such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the State.

H.R. 1617

OFFERED BY: MR. KLINK

AMENDMENT NO. 13: Page 27, after line 24, insert the following:

SECTION 7. SENSE OF CONGRESS.

It is the sense of Congress, that—

(1) to streamline and consolidate workforce preparation and development programs, eliminate unnecessary duplication and fragmentation in such programs as stated in section 3(a)(5)(A), and to provide maximum authority and responsibility to States and local communities for operation of State and local workforce preparation and development programs as stated in section 3(a)(5)(B), the Federal Government should transfer all of the functions of such programs to the States and local communities, including the responsibility to raise revenue to fund such programs; and

(2) Federal tax rates should be reduced by the amount saved by relinquishing Federal responsibility for workforce preparation and development programs.

H.R. 1617

OFFERED BY: MR. KLINK

AMENDMENT NO. 14: Page 275, after line 4, insert the following:

TITLE VIII—SENSE OF CONGRESS

SEC. 801. SENSE OF CONGRESS.

It is the sense of Congress, that—

(1) to streamline and consolidate workforce preparation and development programs, eliminate unnecessary duplication and fragmentation in such programs as stated in section 3(a)(5)(A), and to provide maximum authority and responsibility to States and local communities for operation of State and local workforce preparation and development programs as stated in section 3(a)(5)(B), the Federal Government should transfer all of the functions of such programs to the States and local communities, including the responsibility to raise revenue to fund such programs; and

(2) Federal tax rates should be reduced by the amount saved by relinquishing Federal responsibility for workforce preparation and development programs.

H.R. 1617

OFFERED BY: MRS. MINK OF HAWAII

AMENDMENT NO. 15: Page 105, after line 13 insert the following:

(5) a description of how the State will maintain programs for single parents, displaced homemakers, and single pregnant women and programs that promote the elimination of sex bias.

H.R. 1617

OFFERED BY: MRS. MORELLA

AMENDMENT NO. 16: Page 125, line 6, strike ''and''.

Page 125, line 9, strike the period and insert ''; and''.

Page 125, after line 9, insert the following:

(viii) implementation of innovative programs to increase the number of individuals trained and placed in nontraditional employment.

Page 127, line 19, before the period insert the following: ''and individuals seeking to enter nontraditional employment''.

H.R. 1617

OFFERED BY: MR. OWENS

AMENDMENT NO. 17: Page 71, strike line 1 and all that follows through line 9.

H.R. 1617

OFFERED BY: MR. OWENS

AMENDMENT NO. 18: Page 71, strike line 1 and all that follows through line 9 and insert the following:

SEC. 113. CRIMINAL PENALTIES.

Section 665 of title 18, United States Code, is amended by striking ''or the Job Training Partnership Act'' each place it appears and inserting '', the Job Training Partnership Act, or the Consolidated and Reformed Education, Employment, and Rehabilitation Systems Act''.

H.R. 1617

OFFERED BY: MR. OWENS

AMENDMENT NO. 19: Page 128, line 11, strike ''and''.

Page 128, line 14, strike the period and insert ''; and''.

Page 128, line 14, insert the following:

(C) who are dislocated workers or who are economically disadvantaged individuals.

Page 130, line 13, strike ''and''.

Page 130, line 16, strike the period and insert ''; and''.

Page 130, after line 16, insert the following:

(D) who are dislocated workers or who are economically disadvantaged individuals.

Page 134, strike line 21 and all that follows through line 2 on page 135.

Page 135, line 3, strike ''(f)'' and insert ''(e)''.

Page 135, line 7, strike ''(g)'' and insert ''(f)''.

H.R. 1617

OFFERED BY: MR. ROEMER

AMENDMENT NO. 20: On page 10, line 4, add immediately before the semi-colon ''and section 705(b)''.

On page 267, line 21, add at the beginning thereof the subsection designation ''(a)''.

On page 267, after line 22, add the following new subsection:

''(b) In order to allow States that have received grants under Subtitle B of title II of the School-to-Work Opportunities Act of 1994 prior to its repeal to complete the development and implementation of their state-wide School-to-Work systems, the Secretary of Education and the Secretary of Labor are authorized to use not more than 10 percent of the funds appropriated under section 4(a)(1) of this Act for fiscal year 1997, 7.5 percent of such funds appropriated for fiscal year 1998, and 5 percent of such funds appropriated for fiscal year 1999 to make continuation awards to such States.''.

H.R. 1617

OFFERED BY: MS. WATERS

AMENDMENT NO. 21: Page 275, after line 4, add the following new title:

TITLE VIII—SUMMER YOUTH EMPLOYMENT AND TRAINING PROGRAMS UNDER THE JOB TRAINING PARTNERSHIP ACT

SEC. 801. SUMMER YOUTH EMPLOYMENT AND TRAINING PROGRAMS.

(a) AUTHORIZATION OF APPROPRIATIONS FOR TITLE II.—Notwithstanding section 4(a)(1) of this Act, there are authorized to be appropriated for title II of this Act, $1,630,920,000 for fiscal year 1997 and such sums as may be necessary for each of the fiscal years 1998 through 2002 to carry out the programs under such title.

(b) 1996 ALLOTMENT PERCENTAGE FOR STATES UNDER TITLE II.—Notwithstanding section 211(b)(2)(B) of this Act, the allotment percentage of a State for fiscal year 1996 shall be the percentage of funds allotted to the State in fiscal year 1995 under—

(1) section 101 or 101A of the Carl D. Perkins Vocational and Applied Technology Education Act, as such Act was in effect on the day before the date of the enactment of this Act; and

(2) the funding allotted in fiscal year 1995 under section 262 of the Job Training Partnership Act, as such Act was in effect on the day before the date of the enactment of this Act.

(c) RETENTION OF SUMMER YOUTH EMPLOYMENT AND TRAINING PROGRAMS.—

(1) IN GENERAL.—Notwithstanding section 711(a) of this Act, the Job Training Partnership Act (29 U.S.C. 1501 et seq.), except section 1, sections 251 through 256 (relating to the Summer Youth Employment and Training Programs), sections 421 through 439 (relating to the Job Corps), and section 441 of such Act (relating to veterans' employment programs), is hereby repealed.

(2) AUTHORIZATION OF APPROPRIATIONS.—Notwithstanding section 711(b)(4) of this Act, the Job Training Partnership Act (29 U.S.C. 1501 et seq.), as amended by this subsection, is further amended by adding at the end the following new section:

''AUTHORIZATION OF APPROPRIATIONS

''SEC. 23. (a) Except as provided in subsection (b), there are authorized to be appropriated such sums as are necessary to carry out this Act.

''(b) For fiscal year 1997, there are authorized to be appropriated $693,680,000 to carry out sections 251 through 256 of this Act (relating to Summer Youth Employment and Training Programs).''.

H.R. 1617

OFFERED BY: MR. WELDON OF FLORIDA

AMENDMENT NO. 22: Page 70, line 24, before the period insert ''or to meet federally funded or endorsed industry-recognized skill standards or attain federally funded or endorsed skill certificates''.

H.R. 1617

OFFERED BY: MR. WELDON OF FLORIDA

AMENDMENT NO. 23: Page 70, line 24, before the period insert ''or to meet federally funded or endorsed industry-recognized skill standards or attain federally funded or endorsed skill certificates''.

Page 100, line 15, before the period insert ''or to attain a federally funded or endorsed skill certificate''.

Page 110, line 19, insert ''and parents'' after ''employers''.

Page 113, line 10, insert ''and parents'' after ''employers''.

H.R. 1617

OFFERED BY: MR. WELDON OF FLORIDA

AMENDMENT NO. 24: Page 100, line 15, before the period insert ''or to attain a federally funded or endorsed skill certificate''.

Page 110, line 19, insert ''and parents'' after ''employers''.

Page 113, line 10, insert ''and parents'' after ''employers''.

H.R. 1617

OFFERED BY: MR. WILLIAMS

AMENDMENT NO. 25: Page 31, strike line 1 and insert the following:

(2) the lead State agency, entity, official, or officials

Page 31, line 4, after ''(including'' insert ''the State entity responsible for setting education policies for activities under this Act, consistent with State law, on the day preceding the date of the enactment of this Act and''.

Page 32, after line 16, insert the following:

(2) ACCEPTANCE OF CERTAIN RECOMMENDATIONS.—The recommendations of any State agency, State entity, or State public official described in subsection (b)(2) with respect to any portion of the State plan described in section 104 that affects programs that are under the jurisdiction of the agency, entity, or official shall be accepted by the Governor of the State and the other participants in the collaborative process, and shall be incorporated in the plan, unless the plan includes a finding by the Governor that the recommendations are inconsistent with the purpose of this Act.

Page 32, line 17, strike ''(2)'' and insert ''(3)''.

Page 36, after line 7, insert the following:

(11) A designation, consistent with State law, of the State agency or agencies to serve as administrative or fiscal agents for purposes of titles II and IV.

H.R. 1617

OFFERED BY: MR. WILLIAMS

AMENDMENT NO. 26: Page 246, after line 4, insert the following new subsection (and redesignate the succeeding subsections accordingly):

''(e) ADDITIONAL TRANSITION PROVISIONS IN THE EVENT OF NO REORGANIZATION.—In the event no reorganization is approved under this section, the following provisions shall apply beginning on the date which is 18 months after the date of enactment of this section:

''(1) TERMINATION PLAN.—No later than the date which is 24 months after the date of this section, the Association shall submit for the approval of the Secretary of the Treasury (hereinafter in this subsection referred to as the 'Secretary') a plan for the orderly winding up of its business which shall ensure that the Association will have adequate assets to transfer to a trust, as provided in subsection (e), to ensure payment of debt obligations of the Association that are outstanding as of December 31, 2004 (hereinafter in this subsection referred to as the 'remaining obligations'), in accordance with their terms.

''(2) PLAN REVIEW AND AMENDMENT.—The Secretary may require any amendments to the plan as the Secretary deems necessary or appropriate to ensure full payment of the remaining obligations. Once the plan or amended plan has been approved by the Secretary, the Secretary shall continue to review the plan and the financial condition of the Association no less than annually. After each review, the Secretary may require any additional amendments to the plan as are necessary to ensure full payment of the remaining obligations.

''(3) IMPLEMENTATION BY THE ASSOCIATION.—The Association shall promptly implement the plan or amended plan approved by the Secretary and shall promptly implement any subsequent amendments required based on the annual review.

''(4) PAYMENT OF DIVIDENDS.—Prior to the payment of any dividend, the Association shall certify to the Secretary that the Association is in full compliance with the termination plan then in effect, including subsequent amendments. The Association may not make any cash or non-cash distributions unless the Secretary has approved the termination plan, the Association is in full compliance with the plan as approved, including any subsequent amendments required by the Secretary, and the Secretary has approved the Association's certification of compliance.

Page 248, strike lines 20 through 25 and redesignate the succeeding subsections accordingly.

H.R. 1617

OFFERED BY: MS. WOOLSEY

AMENDMENT NO. 27: Page 5, line 15, strike ''$2,324,600,000'' and insert ''$3,000,000,000''.

H.R. 1617

OFFERED BY: MS. WOOLSEY

AMENDMENT NO. 28. Page 5, line 15, strike ''$2,324,600,000'' and insert ''$3,000,000,000''.

Page 5, line 19, strike ''$2,183,000,000'' and insert ''$3,225,000,000''.

Page 5, line 23, strike ''$280,000,000'' and insert ''$597,000,000''.

H.R. 2274

OFFERED BY: MRS. BARRETT OF NEBRASKA

AMENDMENT NO. 18. Page 96, after line 13, insert the following:

(4) DRIVERS OF UTILITY SERVICE VEHICLES.—Such regulations shall, in the case of a driver of a utility service vehicle, permit any period of 8 consecutive days to end with the beginning of an off-duty period of 24 or more consecutive hours for the purposes of determining maximum driving and on-duty time.

Page 96, line 14, strike ''(4)'' and insert ''(5)''.

Page 97, line 3, strike ''(5)'' and insert ''(6)''.

Page 99, after line 6, insert the following:

(6) UTILITY SERVICE VEHICLE.—The term ''utility service vehicle'' means any motor vehicle, regardless of gross weight—

(A) used on highways in interstate or intrastate commerce in the furtherance of building, repairing, expanding, improving, maintaining, or operating any structures, facilities, excavations, poles, lines, or any

other physical feature necessary for the delivery of public utility services, including the furnishing of electric, water, sanitary sewer, telephone, and television cable or community antenna service;

(B) while engaged in any activity necessarily related to the ultimate delivery of such public utility services to consumers, including travel or movement to, from, upon, or between activity sites (including occasional travel or movement outside the service area necessitated by any utility emergency as determined by the utility provider); and

(C) except for any occasional emergency use, operated primarily within the service area of a utility's subscribers or consumers, without regard to whether the vehicle is owned, leased, or rented or otherwise contracted for by the utility.